

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.841 of 2018

In

Civil Writ Jurisdiction Case No.18970 of 2017

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Kapildeo Paswan Son of Late Naurangi Das, resident of Village- Samasti,
P.O.- Muraura, P.S.- Deepnagar and Distt.- Nalanda.

... .. Appellant.

Versus

1. The Bihar State Cooperative Marketing Union Ltd., through its Chairman, Biscomaun Bhawan, Patna.
2. Chairman, Bihar State Co-operative Marketing Union Ltd., Biscomaun Bhawan, Patna.
3. Managing Director, Bihar Sate Co-operative Marketing Union, Ltd., Biscomaun Bhawan, Patna.
4. Chief of Account-cum-Account Officer, Bihar State Co-operative Marketing Union Ltd., Biscomaun Bhawan, Patna.
5. Senior Range Officer, Bihar Sharif, Nalanda.

... .. Respondents.

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Appearance :

For the Appellant/s : Mr.Mohammed Abu Haidar, Advocate
For the Respondent/s : Mr.Vikas Kumar, SC-11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 29-01-2021 Heard learned counsel for the appellant.

The learned Single under the impugned order has simply directed the listing of the case after the disposal of the matter pending before the Apex Court.

Learned counsel submits that the pendency of the Special Leave Petition before the Apex Court cannot be a ground for considering the maintainability of the writ petition.



In our opinion, the very issue of maintainability of the writ petition is involved inasmuch as this Court has held that a writ petition would be maintainable against the respondents, but the Apex Court has stayed the operation of the judgment. In the background aforesaid, the matter has to await the disposal by the Apex Court and therefore the learned Single Judge was correct in his approach in proceeding to direct the listing of the writ petition after disposal of the matter by the Apex Court.

No ground is made out, therefore, for entertaining this appeal which is consigned to records.

(Sanjay Karol, CJ)

(S. Kumar, J)

DKS/K.C.Jha

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