

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10899 of 2021

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Ajit Raj, male, aged about 33 years, Son of Anjani Kumar Prasad Mishra
Road No.1, Near Kejriwal Hospital, Juran Chapra, Barhampura, Muzaffarpur,
P.S.- Barhampura, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Bihar at Patna.
2. Bihar State Food and Civil Supplies Corporation through its Managing Director, Bihar at Patna.
3. Managing Director, Bihar State Food and Civil Supplies Corporation, Bihar at Patna.
4. General Manager, Transport, Bihar, Bihar State Food and Civil Supplies Corporation, Bihar at Patna.
5. The Assistant General Manager, Transport, Bihar State Food and Civil Supplies Corporation, Bihar at Patna.
6. District Magistrate, Motihari, District- East Champaran.
7. District Magistrate-cum-Chairman, District Transport Committee, Motihari, District- East Champaran.
8. District Manager, Bihar State Food and Civil Supplies Corporation, Motihari, District- East Champaran.
9. Godown Manager, Chakia, Bihar State Food and Civil Supplies Corporation, Motihari, District- East Champaran.
10. Sub Divisional Officer, Chakia, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh, Advocate Mr. Nikhil Singh, Advocate
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate
For the State	:	Mr. Arvind Ujjwal, SC 4

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

Date : 21-02-2022

Heard learned counsel for the parties.



The present writ petition has been filed for issuance of a writ in the nature of certiorari for quashing of the order bearing Memo No. 518 dated 22.04.2021 issued by the District Manager, Bihar State Food and Civil Supplies Corporation, Motihari by which work order of the petitioner as doorstep delivery agent-cum-transporter, Mehasi, East Champaran has been cancelled.

The petitioner *inter alia* contends that the orders are arbitrary and he was given no opportunity of hearing before the said order was passed.

Learned counsel for the respondents has drawn our attention to Clause 20 of the agreement which provides for resolution of all disputes arising between the parties pursuant to the agreement. The said provision is reproduced below for ready reference:

“20. All disputes arising under or in pursuance of this agreement between the parties, except matters decision of which herein expressly in otherwise provided, shall be referred to sole arbitration of the C.M.D./Managing Director of the Bihar State Food & Civil Supplies Corporation Ltd. Patna or a person nominated by the C.M.D./Managing Director decision of such arbitrator shall be final and binding on both the parties. The provisions of the arbitration and conciliation Act, 1966 and rules framed there under and statutory modifications thereof shall apply to the proceedings of arbitration and all such disputes shall be subject to the jurisdiction of courts at Patna.”



Both parties have agreed that they shall resort to the said provision for resolution of this dispute. They are relegated accordingly. The Arbitrator shall endeavour to decide the dispute as expeditiously as possible in any case not later than six months. No further direction is necessary.

The writ petition stands disposed off.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

P. Kumar

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

