

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13055 of 2022

Navin Kumar, Son of Bhim Kumar, Resident of Saidpur, P.O. - Khizersarai,
P.S. - Khizersarai, District, Gaya Pin Code - 824233.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supply, Government of Bihar, Patna.
2. The Bihar State Food and Civil Supply Corporation Ltd. Khadya Bhavan, Road No. 2, Daroga Prasad Rai Path, R Block, Patna - 800001.
3. The Managing Director, Bihar State Food and Civil Supply Corporation Ltd., Khadya Bhavan, Road No. 2, Daroga Prasad Rai Path, R Block, Patna - 800001.
4. The District Transport Committee through the Chairman-cum-District Collector, Nalanda.
5. The District Manager, State Food Corporation, Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Hansraj, Advocate
For the Respondent/s	:	Mr. S. Raza Ahmad, AAG-5
		Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 16-09-2022

Heard learned counsel for the parties.

The petitioner has prayed for the following relief/s :-



- (i) For the issuance of a writ in the nature of writ of certiorari or any other appropriate writ or order or direction, quashing the decisions taken in the proceeding dated 05.05.2022 of the District Transport Committee, Nalanda whereby the agreement between the petitioner and the Corporation has been terminated and FIR has been directed to be instituted against the petitioner for submitting false /forged character certificate in the tender process.
- (ii) For the issuance of a writ in the nature of writ of mandamus or any other appropriate writ or order or direction, commanding the respondents to allot him work in terms of the agreement 11.08.2021 and office order dated 13.09.2021 as the Transport – cum –handling agent, door step delivery, in the Revenue District of Nalanda.
- (iii) For the issuance of a writ in the nature of writ of mandamus or any other appropriate writ or order or direction commanding the appellate authority – cum – Managing Director, Bihar, Food and Civil Supplies Corporation Ltd, Patna (Respondent No. 3) to dispose of the Appeal pending



before him within three months.

(iv) For any other relief to which the Petitioner may be found entitled.

It is common prayer of the parties that the petitioner's appeal is pending adjudication before respondent No.3, namely, the Managing Director, Bihar State Food and Civil Supply Corporation Ltd.

Learned counsel jointly prayed that the petition be disposed of with a direction to the said authorities to positively consider and decide the petitioner's appeal, on merits, in accordance with law.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall make himself available before the Appellate Authority on 30.09.2022 at 10.30 A.M. along with a copy of this order.

(b) Opportunity shall be granted to the parties to place on record all essential documents and materials, if so required and desired;

(d) Petitioner through learned counsel undertakes



to fully cooperate and not take unnecessary adjournment;

(e) The Appellate Authority shall decide the appeal on merits, in compliance of the principles of natural justice;

(f) The Appellate Authority shall pass a reasoned and speaking order, within a period of two months.

(g) Copy of the order passed by the Appellate Authority shall be supplied to the parties;

(g) Equally, liberty reserved to the parties to take recourse to such other remedies as are otherwise available in accordance with law;

(h) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(i) We have not expressed any opinion on merits and all issues are left open;

(j) Liberty reserved to the petitioner to assail the order, before the appropriate forum, should the need so arise subsequently.

The instant petition stands disposed of in the aforesaid terms.



Interlocutory Application(s), if any, stands
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	19.09.2022
Transmission Date	

