

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18649 of 2021

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Arvind Kumar Mishra S/o Late Shridhar Mishra Resident of -103, Saheb Mansion, I.A.S. Colony, Near Gola Road, P.S.-Rupaspur, District-Patna. ,

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Industries, Government of Bihar, Patna.
2. Secretary, Department of Industries, Government of Bihar, Patna.
3. Director, Directorate of Handloom and Sericulture, Department of Industries, Bihar, Patna.
4. Additional Director Industries (Technical), Directorate of Technical Development, Department of Industries, Bihar, Patna.
5. Managing Director, Bhagalpur Co-operative Spinning Mill-Cum-General Manager, District Industries Centre, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sourendra Pandey
For the Respondent/s : Mr. Yogendra Pd. Sinha (Aag7)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 17-01-2022

The matter is heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. In the instant petition, petitioner has prayed for the following relief/reliefs:

“(i) For issuance of writ of mandamus directing the respondent authorities to absorb the petitioner in the department of Industries as has been done with other employees who were posted at the Headquarters of the Bhagalpur Co-operative Spinning Mill and consequentially consider the petitioner in regular service from the date other similarly situated have been absorbed.

(ii) For issuance of writ of mandamus directing for treating the petitioner to be in continuous service and thereby pay the entire back wages / salary with all consequential



benefits taking into account his service period after being relieved for his parent Corporation and from the day others have been absorbed in Government department.”

3. Petitioner is stated to have been appointed in the year 1985. He had submitted representations *vide* Annexures 5, 6 and 7.

4. The concerned respondent is hereby directed to take note of the petitioner’s service particulars read with the representation and further judicial pronouncements like Apex Court decision in the case of *Secy., State of Karnataka and Others vs. Uma Devi reported in (2006) 4 SCC page 1* read with full bench decision of this Court in the case of *Ram Sevak Yadav and Another vs. The State of Bihar and Others in C.W.J.C. Nos. 267 and 472 reported in 2013 (1) PLJR 964* and so also any policy decision of the State Government. The petitioner’s grievance shall be redressed by passing a speaking order within a period of four months from the date of receipt of this order, failing which, petitioner is entitled to litigation cost and it is quantified @ Rs. 10,000/-

5. Accordingly, writ petition stand disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	19.01.2022
Transmission Date	

