

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 5990 of 2018

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Mahesh Choudhary S/o Late Ram Udgar Choudhary, R/io Village P.O.-
Wazidpur Bambaia, P.S.-Vibhutipur, District-Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Department of Cooperative, Government of Bihar, Patna
2. The Chief Secretary, Government of Bihar, Patna.
3. The Registrar, Co-operative Societies, New Secretariat, Patna.
4. Bihar State Co-Operative Marketing Union Ltd, through its Chairman, BISCOMAUN Bhawan, Patna.
5. Managing Director, Bihar State Co-operative Marketing Union Ltd., BISCOMAUN Bhawan, Patna.
6. The Secretary, Bihar State Co-operative Marketing Union Ltd., BISCOMAUN Bhawan, Patna.
7. Finance Controller Bihar State Co-operative Marketing Union Ltd., BISCOMAUN Bhawan, Patna.
8. Account Officer, Bihar State Co-operative Marketing Union Ltd., BISCOMAUN Bhawan, Patna.
9. The Special Officer Establishment, Bihar State Co-Operative Marketing Union Ltd., BISCOMAUN Bhawan
10. Accountant General (A & E) Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Vishal Saurabh, Advocate
For the S t a t e	:	Mr Prabhakar Thakur, AC to GA XIII
For the A G	:	Mr Bindhyachal Rai, Advocate

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CORAM: HONOURABLE MR JUSTICE RAJIV ROY

ORAL ORDER

3 27-09-2023

Heard the parties.

2 Prayer is for the following reliefs:

“This is an application for issuance of writ or writs in the nature of mandamus commanding/directing the official respondents to pay the due salary since February 1997 till his retirement, as the petitioner retired from the



post of Aadeshpal (Peon) on 31.12.2007 from the Maintenance Department at Head Office BISCOMAUN, Patna and further a command be issued directing the official respondents to pay the due salary on revised pay scale with interest @ 18% per annum.”

3 Mr Vikas Kumar appearing for respondents No 3 to 9 has provided a copy of order dated 19.06.2017 passed by a Division Bench of this Court in the case of **Anil Kumar -Versus- Bihar State Co-operative Marketing Union Limited & Others (LPA No 837 of 2016)**.

4 The short order reads as follows:

“None appears for the appellant. Learned counsel for the State is present.

Seeking exception to an order dated 30.11.2015 passed by the learned Writ Court in CWJC No 13923 of 2013, this appeal has been filed under Clause 10 of the Letters Patent.

*Learned Writ Court, after considering the matter, has relegated the petitioner to take recourse to alternative statutory remedy and has held that the writ petition is not maintainable in view of the Special Bench Judgment in the case of **Organizer, Dehri CD & CM Union Limited -Versus- State of Bihar**, reported in 2014 (1) PLJR 695.*

In view of the above, we see no reason to make indulgence in the matter.

With the aforesaid liberty, this writ petition is disposed of.”

5 The petitioner has gone through the order and he



submits that he may also be given liberty to approach the respondents for redressal of his grievance.

6 Liberty granted.

7 This writ petition stands disposed of.

(Rajiv Roy, J)

M.E.H./-

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