

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22928 of 2019

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Ragunath Ray Son of late Rameshwar Ray, R/o Rajapur, P.S. Nayagoan, P.O. Rajapur, District- Chapra, Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Consumer Protection, Patna, Bihar.
2. The Managing Director Cum Appellate Authority, Bihar State Food and Civil Supply Corporation, Patna, Bihar.
3. The Deputy General Manager, transportation, State Food Corporation, Head Office, Patna.
4. The District Transport Committee, Vaishali through its Chairman District Collector, District- Vaishali.
5. The District Collector, Vaishali, Hazipur.
6. The District Manager, SFC, Vaishali, Hazipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Mohan Mishra, Advocate
For the Respondent/s	:	Mr. Arvind Ujjwal (SC5)
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 02-01-2023

Petitioner has prayed for the following relief(s):

“i. To quash and set aside the order dated 16/22.08.2019 passed by respondent no.-2 whereby the order passed by respondent no-4 confirmed the order passed by respondent no-4 contain in Gaypank No. 2560 dated 23.06.2018 and gayapank no-3033 dated 30.07.2018.



ii. To further quash and set aside the order contain in gaypank no 2560 dated 23.06.2018 and order contain in gayapank no 3033 dated 30.07.2018 whereby and where under the respondent no. 4 had blacklisted petitioner and forfeited security/earnest money and bank guarantee on the basis of recommendation made by the District Transport Committee, Vashali dated 25.07.2018.

iii.To hold and declare that the termination of agreement and black listing of petitioner is wholly illegal and against the term of agreement as the petitioner has not committed theft nor has violated the terms of agreement as such, the amount due on account of transporting and handling charge, security and earnest money and bank guarantee etc may directed to be released.

iv. To hold and declare that the recommendation made by the transport committee dated 25.07.2018 under the chairmanship of District Collector is illegal and without authority of law because the respondent committee had not considered reply to show cause nor considered that fact and different terms of agreement.

v. To issue any other writ/writs, order/orders, direction/directions as your honour deem fit and proper.”

After the matter was heard for some time, finding the Court not in favour of the submissions made across the Bar, learned counsel for the petitioner, under instructions, states that



the petitioner shall be content if the petition is disposed of, with liberty to initiate appropriate proceedings before the appropriate forum and to take recourse to such other alternate remedies which are equally efficacious in law.

Prayer allowed.

The petition is disposed of with the liberty aforesaid.

As and when such an application is filed, limitation shall not be allowed to come in the way of its consideration and decision on merits since the petitioner has been pursuing remedies before this Hon'ble Court.

It stands clarified that all issues of fact and law are left open to be agitated before the competent authority.

Interlocutory application(s), if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Saurabh/K.C.Jha

AFR/NAFR	
CAV DATE	
Uploading Date	04.01.2023
Transmission Date	

