

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15923 of 2021

1. Sanjeev Kumar @ Sanjeev Kumar Ray Son of Ramchandra Ray, Resident of Village- War No. 5, Rani- 03, P.S.- Bachwara, District - Begusarai.
2. Pankaj Kumar, Son of Ram Yugeshwar Chaudhary, Resident of Kailawari, Ward No. 3, P.S.- Teghra, District - Begusarai.
3. Lalan Kumar Chaudhari Son of Arun Chaudhary, Resident of Ward No. 15, Augan, Rasalpur, P.S. Bhagwanpur, District - Begusarai.
4. Arun Kumar, Son of Bindewhwari Singh, Resident of Village - Kharagpur Pali, P.O.- Churamanchak, P.S.- Bhagwanpur, District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Animal and Fisheries Resources Department.
2. The Secretary, Animal and Fisheries Resources Department, Patna.
3. The Registrar, Co-operative Society, Co-operative Department, Government of Bihar, Patna.
4. The Bihar State Milk Co-Operative Federation Ltd. (COMFED), Dairy Development Complex, P.O.- B.V. College, Patna through its Chairman-Cum- Secretary, Animal and Fisheries Resources Department, Patna.
5. The Managing Director, Bihar State Milk Co-operative Federation Ltd. (COMFED), Dairy Development Complex, P.O.- B.V. College, Patna.
6. The Desh Ratana Dr. Rajendra Prasad Milk Production Cooperative Federation Ltd., Barauni, District- Begusarai, through its Managing Director.
7. The Managing Director, Desh Ratana Dr. Rajendra Prasad Milk Production Cooperative Federation Ltd., Barauni, District - Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Brisketu Sharan Pandey, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (SC-25)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-01-2024 The present writ petition has been filed
seeking the following reliefs:-

“1.i) For issuance of appropriate writ(s), direction/directions including the writ of Certiorari and thereby



quash the advertisement bearing Advertisement No.2369 dated 11.09.2020 issued by Respondent 4, 5 whereby and whereunder the aforesaid Respondent in absolute violation to the bylaws of the respective Milk Production Cooperative Federation has issued advertisement for filling up the vacancies acting as the sole recruiting agency for the post of Account Assistants, Marketing Assistant and Procurement Assistant towards the vacancies arising in various Milk Production Cooperative Federation across the State of Bihar.

ii) For issuing writ of Mandamus and directing thereby Respondents No.3 and 4 not to proceed with/withhold the selection process drawn in furtherance of Advertisement No.2369 dated 11.09.2020 whereby and whereunder Respondents 4, 5 in absolute violation to the bylaws of the respective Milk Production Cooperative Federations have issued advertisement for filling up the vacancies acting as the sole recruiting agency for the post of Account Assistants, Marketing Assistant and



Procurement Assistant towards the vacancies arising in various Milk Production Cooperative Federation across the State of Bihar.

iii) For issuing appropriate writ including writ of Mandamus directing thereby the Respondents to allow the respective Milk Production Cooperative Federations to carry out the selection process in terms of their bylaws as per which the posts are to be filled up only after the expert panel has recommended for the vacancies and upon such recommendation the expert panel shall select the candidates applying against the advertised vacancies.

iv) Further the Hon'ble Court may be pleased to hold that the Respondents No.4 and 5 have issued the advertisement No. 2369 dated 11.09.2020 (asking application from eligible persons for the post Accounts Assistant, Marketing Assistant and Procurement Assistant on permanent basis for COMFED its units and affiliated Milk Unions) in most illegal manner as Respondents No.4 and 5 is not authorized and competent for



issuance of such advertisement without recommendation of expert panel in such regard.

v) Further the Hon'ble Court may be pleased to hold that the Respondents No.4 and 5 have issued the advertisement No.2369 dated 11.09.2020 (asking application from eligible persons for the post Accounts Assistant, Marketing Assistant and Procurement Assistant on permanent basis for COMFED its units and affiliated Milk Unions) in most illegal manner as respondents No.4 and 5 are not authorized and competent to conduct the selection process for which the competence and authority lies with the expert panel of the respective Milk Production Federation Union.

vi) Further the Hon'ble Court may be pleased to hold that it was illegal on part of Respondents No. 4 and 5 to have issued advertisement and conducted the selection process beyond the bylaws of respective Milk Production Federation Union."

2. At the outset, the learned counsel for the



respondent-Bihar State Milk Cooperative Federation Limited (COMFED), Patna has raised a preliminary objection regarding the maintainability of the present writ petition and submits that the present writ petition is not maintainable in view of the Full Bench judgment of this Court rendered in the case of ***Vidya Bhushan Abhay vs. Bihar State Cooperative Milk Producers Federation Limited***, reported in ***2010(4) PLJR 26***.

3. Having regard to the aforesaid submissions made by the learned counsel for the respondent-COMFED, this Court has no option but to dismiss the present writ petition.

4. Accordingly, the present writ petition stands dismissed.

(Mohit Kumar Shah, J)

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