

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12338 of 2012

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1. Sanjay Kumar Pandey S/O Sri Lallan Pandey R/O Panchmandira, Nirala Nagar, P.S.- Siwan Town, District- Siwan
 2. Manoj Kumar Pandey S/O Sri Lallan Pandey R/O Panchmandira, Nirala Nagar, P.S.- Siwan Town, District- Siwan

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Food and Civil Supply Department, Govt. Of Bihar, Patna
2. Chief Administrator, State Food Corporation, Sone Bhawan, Patna
3. Managing Director, State Food Corporation, Sone Bhawan, Patna
4. District Manager, Bihar State Food and Civil Supplies Corporation Limited, Siwan
5. Assistant Manager, State Food Corporation, Siwan
6. Assistant Manager, State Food Corporation, Maharajganj, Siwan
7. Assistant Manager, State Food Corporation, Mairwa, Siwan

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. Sanjay Kumar Srivastava, Advocate
For the State	:	Mr. Ravindra Kumar Choubey, Advocate
For the Corporation	:	Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 28-03-2024

Learned counsel for the State Food Corporation is permitted to correct the date as “18.01.2013” in place of “05.12.2012” as well as “Annexure-R-B” in place of “Annexure-3” in paragraph-9 of the counter affidavit filed on behalf of respondent nos. 2 to 7 in course of the day.

2. Heard Mr. Sanjay Kumar Srivastava, learned counsel for the petitioners, Mr. Shailendra Kumar Singh, learned counsel



appearing on behalf of respondent nos. 2 to 7 and Mr. Ravindra Kumar Choubey, learned counsel appearing on behalf of the State.

3. The present writ petition has been filed for the following reliefs :

“(i) A writ in the nature of mandamus or any other appropriate writ, order, direction commanding the respondents to regularize the services of the petitioners on the post of office Assistant/staff in the office of Bihar State Food and Civil Supplies Corporation Ltd. Siwan on which the petitioners are working since 05.05.2010 on daily wages basis at Maharajganj godown and Mairwa godown respectively and to make payment of their due salary wages till date.

(ii) Any other relief which the petitioners are found entitled to”.

4. Learned counsel for the petitioners submits that the petitioners were appointed on daily wages basis with effect from 04.05.2010 and in terms of the letter dated 04.05.2010 the petitioners have joined the service with effect from 05.05.2010. Learned counsel for the petitioners further submits that after their joining, the Assistant Manager, Maharajganj and Mairwa have informed the District Manager, State Food Corporation, Siwan that the petitioners have joined on 05.05.2010 on the post of daily wages staff and sent the joining letter to him for necessary action.



5. Learned counsel for the petitioners further submits that the petitioners have been made appointment since 05.05.2010 without any payment of their dues payment of salary.

6. Learned counsel for the State Food Corporation has filed a counter affidavit and submits that the District Manager, State Food Corporation, Siwan is not a competent authority to engage the petitioners and the then District Manager, State Food Corporation, Siwan has stated that in compliance of the Head Quarter letter dated 13.04.2010 stating therein that petitioners are not working in the official godown of the State Food Corporation, Mairwa and has submitted a report dated 18.01.2023 (Annexure-R-B) stating therein that the petitioner no. 2 namely Manoj Kumar Pandey has neither worked nor present in the official godown and the Assistant Godown Manager, State Food Corporation, Maharajganj, Siwan has submitted a report vide letter dated 17.01.2013 (Annexure-R-C) stating therein that the petitioner no. 1 namely, Sanjay Kumar Pandey and petitioner no. 2 namely, Manoj Kumar Pandey have neither worked nor present in State Food Corporation Godown, Maharajganj and Basantpur and as per report of the concerned Godown Manager, it appears that petitioners are not working in the State Food Corporation and as per letter no. 3496 dated 13.04.2010 it appears that the Managing



Director of the State Food Corporation is the competent authority to issue letter for appointment but the appointment letter issued in favour of the petitioners by the Assistant Manager, State Food Corporation who is not the competent authority to issue an appointment letter.

7. Considering the aforesaid facts, no case is made out for interference by this Hon’ble Court and accordingly the writ petition stands dismissed.

(Rajesh Kumar Verma, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	28.03.2024
Transmission Date	N.A.

