

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1235 of 2017

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Shatrughan Kumar Sinha son of Late Rajeshwar Prasad Sinha, resident of Flat No. 303, Saroj Savitri Apartment, Mohalla- Mahesh Nagar, P.S.- Patliputra, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Managing Director, Bihar State Food and Civil Supplies Corporation Limited, Sone Bhawan, Birchand Patel Marg, Patna
3. The Chief Administration, Bihar State Food and Civil Supplies Corporation Limited, Sone Bhawan, Birchand Patel Marg, Patna
4. The Chief of Finance, Bihar State Food and Civil Supplies Corporation Limited, Sone Bhawan, Birchand Patel Marg, Patna
5. District Manager, Bihar State Food and Civil Supplies Corporation, Saran at Chapra.
6. District Certificate Officer, Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Devendra Kumar
For the Respondent/s	:	Mr.S.Raza Ahmad-AAG 5
For the BSFC	:	M/s Shailendra Kumar Singh, Utkarsha Utpal, Advocates

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT
Date : 22-04-2025

1. The petitioner has filed the Writ petition for the following reliefs:

“(I) For quashing of order dated 12.11.2015 passed by Managing Director, Bihar State Food & Civil supplies Corporation whereby he has wrongly confirmed the Earlier Punishment order on the nonest ground that the petitioner did not participate in



the proceeding.

(II) For staying the operation of memo No. 4133 dated 31.3.2016 issued by Deputy Chief (Law) B.S.FC. whereby, pursuant to the order of the Managing Director he has requested the District Manager B.S.P.C. Saran for restart of the certificate proceeding in view of the order passed by this Hon'ble Court in C.W.J.C.No. 20502/2012.

(III) For stay of further proceeding of certificate case No. 1/14-15 and operation of the order dated 28.9.2016, whereby the Certificate Officer has directed to issue Bailable warrant against the Petitioner.

(IV) For any other relief or reliefs which your Lordship may deem fit and proper in the facts and circumstances of the case.”

2. At the outset, the Learned counsel for the respondents contended that without availing the alternative remedy of appeal under Section 60 of the Bihar and Orissa Public Demand Recovery Act, the present Writ petition is filed for the relief as stated above.



3. On perusal of record, it is evident that alternative remedy is available to the petitioner for filing appeal before the competent authority under Section 60 of the Bihar and Orissa Public Demand Recovery Act.

4. The Learned counsel for the petitioner contended that he intends to file an appeal before the competent authority, but the limitation period for filing the appeal has lapsed. He prayed for a direction to the authority concerned to entertain the appeal in accordance with Section 5 of the Limitation Act.

5. Taking into consideration that the petitioner has an alternative remedy of filing an appeal, the writ petition is disposed of with a direction to the petitioner to avail the alternative remedy before the competent authority. The delay in filing the appeal, if any, shall be condoned by the authority concerned, and the authority shall dispose of the appeal within two months from the date of filing.

6. Interlocutory Application(s), if any,



shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.04.2025
Transmission Date	

