IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17564 of 2013

CNR No. BRHC010900242013

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Bindeshwar Sharma Son Of Late Ram Sharan Sharma Resident Of Village And Post Office- Chahauta, Via- Aurai, Police Station- Aurai, District- Muzaffarpur

... ... Petitioner/s

Versus

1. The Bihar State Road Transport Cor. and Ors Null Having Office At 'Parivahan Bhawan', Birchand Patel Path, Patna 800001
2. The Administrator, Bihar State Road Transport Corporation Null Having Office At 'Parivahan Bhawan', Birchand Patel Path, Patna 800001
3. The Chief Of Administration, Bihar State Road Transport Corporation Null Having Office At 'Parivahan Bhawan', Birchand Patel Path, Patna 800001
4. The Divisional Manager, Bihar State Road Transport Corporation, Muzaffarpur, District- Muzaffarpur
5. The Depot Superintendent, Bihar State Road Transport Corporation, Muzaffarpur

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Shrawan Kumar Singh, Sr. Advocate
Mr. Rajiv Nayan Singh, Advocate
For the Respondent/s : Mr. Prabhat Kumar Verma, Sr. Advocate
Mr. Saroj Kumar Sharma, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

14 29-10-2026 Heard the learned Senior Counsel for the petitioner and the learned Senior Counsel for the Bihar State Road Transport Corporation.

2. The present application has been filed for issuance of an appropriate writ/writs, order/orders or direction/directions to the respondents, particularly for quashing the office order issued vide Memo No. 6099/Patna, dated 10.07.2012, by respondent no. 2, whereby the petitioner has been dismissed

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from the service of respondent no. 1, namely, the Bihar State Road Transport Corporation (hereinafter referred to as "the Corporation"), and has been held entitled only to the payment of such amount as may be admissible to him in accordance with his entitlement, while denying him any further payment beyond the subsistence allowance received by him during the period of suspension, as contained in Annexure-1.

3. At the outset, Mr. Verma, learned Senior Counsel appearing for the respondents, has raised a preliminary objection as to the maintainability of the present writ petition, placing reliance upon the decisions of this Court in ***Sheela Devi vs. State of Bihar & Ors.*** (CWJC No. 19107 of 2014) and ***Bhup Narayan Pandey vs. The Bihar State Road Transport Corporation & Ors.*** (CWJC No. 5157 of 2020), as well as the decision of the Hon'ble Supreme Court in ***The Rajasthan State Road Transport Corporation & Anr. vs. Krishna Kant & Ors.***, reported in ***(1995) 5 SCC 75***, and the decision of this Court passed in ***Sidheshwar Prasad vs. Bihar State Road Transport Corporation & Ors***, reported in ***2003 (2) PLJR 841***. He submits that, in view of the aforesaid decisions, the present writ petition is not maintainable before this Court.

4. Learned Senior counsel appearing for the petitioner,

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has vehemently opposed the aforesaid contention.

5. Having considered the rival submissions, this Court is of the view that the present writ petition is not maintainable. Accordingly, the writ petition is dismissed with liberty to the petitioner to seek the reliefs prayed for herein before the appropriate forum under the Industrial Disputes Act.

6. In the event that the petitioner approaches the appropriate authority by filing an application within eight weeks from today, the same shall be considered on its merits and in accordance with law, without being barred by limitation. The matter shall be decided within six months from the date of reference. In the event of any delay in the disposal of the matter by the concerned authorities, the petitioner shall be at liberty to approach this Court for appropriate relief.

(Sandeep Kumar, J)

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