

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.717 of 2010

In

Civil Writ Jurisdiction Case No. 4029 of 2010

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Ajay Kumar Das, Son of Late Mahadeo Lal Das, resident of C/o. Late Ram Lakhan Srivastava, Mohalla – Machhli Gali, New Area Jakanpur, P. S. – Jakkanpur, District – Patna, Substantially Sr. Computer Programmer and presently officiating as Public Relation Officer, Bihar State Food & Civil Supplies Corporation Limited, Sone Bhawan, 5th Floor, Veerchand Patel Path, Patna – 1.

..... Petitioner Appellant.
Versus

1. The State of Bihar.
2. The Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
3. The Bihar State Food and Civil Supplied Corporation Limited, Sone Bhawan, 5th Floor, Veerchand Patel Path, Patna – 1.
4. The Managing Director, Bihar State Food and Civil Supplied Corporation Limited, Sone Bhawan, Patna.

..... Respondents Respondents.
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Appearance:

For the Appellant : Mr. Bishnu Kant Dubey, Advocate.
For the State : Mr. G. K. Agarwal, G. A. - X.
Smt. Indra Laxmi, A. C. to G. A. – X.
Mr. S. K. Jha, A. C. to G. A. – X.
For the Corporation : Mr. R. S. Pradhan, Sr. Advocate.
Mr. A. N. Rai, Advocate.

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CORAM: HONOURABLE JUSTICE SMT. T. MEENA KUMARI

and

HONOURABLE MR. JUSTICE GOPAL PRASAD

ORAL ORDER

(Per: HONOURABLE JUSTICE SMT. T. MEENA KUMARI)

5 31-01-2012 It is stated by the learned counsel for the appellant that the writ petition has been dismissed before issuance of notice to the respondents. The record also shows that no counter affidavit has been filed by the respondents in the writ petition.

A counter affidavit has been filed on behalf of

official respondents in the L.P.A. which can be treated as the counter affidavit filed in the writ petition.

Under the above circumstance, we are of the opinion that the matter can be remanded back to the learned Single Judge for deciding the matters on merits.

Accordingly, we remand the matter back to the learned Single Judge for deciding the writ petition basing on the material available on record.

With the above observation, the L. P. A. stands disposed of.

(T. Meena Kumari, J.)

(Gopal Prasad, J.)

Kundan/-