

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2036 of 2015

In

Civil Writ Jurisdiction Case No. 10211 of 2015

- =====
1. Shambhu Pandey Son of Bharat Pandey Clerk Cum Typist, Child Development Project, Sikta, P.S. Sikta, District - West Champaran
 2. Triloki Nath Tripathi Son of Late Mankeshwar Nath Tripathi, Lower Division Clerk, Child Development Project, Majhauria, P.S. Majhauria, District - West Champaran
 3. Bijay Kumar Chaudhary Son of Maheshwari Chaubey Lower Division Clerk, Child Development Project, Narkatiaganj, P.S. Narkatiaganj, District - West Champaran
 4. Iftakar Ahmad Son of Md. Hasim Clerk cum Typist, Child Development Project, Mainatar, P.S. Maninatar, District - West Champaran
 5. Udai Kumar Son of Sri Dhrub Thakur Clerk, Child Development Project, Bairiya, P.S. Bairiya, District - West Champaran

.... Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Social Welfare, Govt. of Bihar, Patna
3. The Special Secretary, Department of Social Welfare, Govt. of Bihar, Patna
4. The Secretary, Department of Social Welfare, Govt. of Bihar, Patna
5. The Director, Integrated Child Development Services (ICDS), Bihar, Patna
6. The District Magistrate, Saran (Chapra)
7. The District Magistrate, East Champaran (Motihari)
8. The District Magistrate, Gopalganj
9. The District Programme officer, Saran
10. The District Programme Officer, East Champaran, Motihari
11. The District Programme officer, Gopalganj
12. The Establishment officer, Head Quarter, I.C.D.S., Directorate, Bihar, Patna
13. Umeshwar Singh Son of Late Ram Dutt Singh Resident of village - Isupur, P.O. Manopur, P.S. Dighwara, District - Saran
14. Ravindra Kumar Singh Son of Late Sri Narayan Singh Resident of village & P.O. Khalpura, P.S. Mufassil Chapra, District - Saran
15. Abhay Kumar Son of Late Rajeshwar Prasad Singh Resident of village - Prabhunath Nagar, P.S. Mufassil CHapra, District - Saran
16. Surendra Singh Son of Late Raghunath Singh Resident of village - Najiba, P.S. Baniapur, District - Saran
17. Arvind Kumar Mishra Son of Late Uma Shankar Mishra Resident of village - Ram Krishna Puri, Masumganj, P.O. Chapra, P.S. Bhagwan Bazar, District - Saran
18. Vijay Kumar Tiwari Son of Vikrama Tiwari Resident of village - Galimapur, P.O. Mashrakh, P.S. Paraiya, District - Saran
19. Sheo Nath Ojha Son of Late Paras Ojha Resident of village - Bajrahia,

P.O. Amardah, P.S. Isuapur, District - Saran

20. Vijay Nath Tiwari Son of Late Kailash Nath Tiwari Resident of Village & P.O. Jagdishpur, P.S. Balia, District - Balia (U.P.)

21. Anjani Kumar Pathak Son of Late Sudhakar Pathak Resident of Village & P.O. Kesaria, P.S. Kesaria, District - East Champaran

22. Sushil Kumar Son of Late Lallan Prasad Resident of village - Khashi Pakar, P.O. Barmania, P.S. Chakia, District - East Champaran

23. Santosh Kumar Son of Late Mahendra Prasad Ojha Resident of village - Ojhawalia (Kala), P.O. Andhari, P.S. Chauri, District - Bhojpur

24. Ram Narayan Ram Son of Late Doma Ram Resident of village - Basdila Tola Murgiyen, P.O. Basdila Bazar, P.S. Gopalganj, District - Gopalganj

.... Respondents

Appearance :

For the Appellants : Mr. N. C. Verma, Advocate

Mr. Abhitabh Kumar, Advocate

For the Respondent Nos. 1 to 12: Mr. Ashok Kumar Keshri, AAG-11

For the Respondent Nos. 13 to 24 : Mr. Sheojee Mishra, Advocate

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN

SINGH

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

2 23-11-2015 Aggrieved by the order, dated 13.10.2015, passed, in C.W.J.C. No. 10211 of 2015, by a learned single Judge, this appeal has been filed.

The present appellants are those, who were not parties to the writ petition, but by virtue of the order, dated 29.12.2014, they have been directed to be reverted back to their original places of posting. By order under appeal, dated 13.10.2015, the learned single Judge has also directed the writ petition to come up for further consideration and order, on 03.12.2015, when affidavits have been directed to be filed by the

Director, Integrated Child Development Services (ICDS) and also the Principal Secretary, Department of Social Welfare.

Considering the fact that the order, dated 13.10.2015, is purely temporary in nature, subject to final decision, which may be arrived at in the writ petition, we are not inclined to interfere with the order inasmuch as interference with the order, dated 13.10.2015, would require determination of the question as to whether the present appellants were or were not beneficiaries of selective transfer, whereas this very question is required to be considered and decided in the writ petition.

Faced with the above situation, it is submitted by Mr. N. C. Verma, learned Counsel, appearing for the appellants, that the appellants seek to withdraw this Letters Patent Appeal with liberty to make appropriate application in the writ petition, i.e., C.W.J.C. No. 10211 of 2015, seeking modification of the directions given by the order, dated 13.10.2015.

No objection has been raised by the respondents to the prayer for withdrawal made by the appellants.

In view of the above and in the interest of justice, this Letters Patent Appeal is hereby disposed of as withdrawn with liberty granted to the appellants to make appropriate application in the writ petition, i.e., C.W.J.C. No. 10211 of 2015,

seeking modification of the directions given by the order, dated
13.10.2015.



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(I.A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)