

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2640 of 2003

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VISHNU DEO SHARMA SON OF LATE RAM NARAYAN SHARMA
AN ASSISTANT TEACHER, GOVERNMENT BASIS SCHOOL,
SADAKAT ASHARAM, POLICE STATION-PATLIPUTRA, DISTRICT-
PATNA.

.... PETITIONER/S

VERSUS

1. THE STATE OF BIHAR.
2. SRI ARUN KUMAR SON OF NAME NOT KNOWN, THE
DIRECTOR (PRIMARY EDUCATION) SECONDARY, PRIMARY
AND ADULT EDUCATION DEPARTMENT NEW SECRETARIAT,
PATNA.
3. SRI M.DAS SON OF NAME NOT KNOWN, THE REGIONAL
DEPUTY DIRECTOR OF EDUCATION, PATNA DIVISION,
PATNA.

.... RESPONDENT/S

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Appearance:

For the Petitioner/s : Mr. Ajay Kumar Sharma

For the Respondent/s : Mr. (Gp8)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

6 16-08-2016

Learned counsel for the petitioner is absent.

Learned AC to SC-9 has submitted that instant petition happens to be worthless in the background of the fact that instant petition has been drawn up against an interlocutory order dated 23.06.2000 passed in CWJC No.2585 of 1999 whereunder petitioner was allowed to continue to function against promoted post whereupon he was working since before which, from the petition itself it is apparent that petitioner failed to allege and in likewise manner, during show cause having been filed on behalf of opposite party never resisted. Apart from this, it has also been submitted that final order had already been passed in Mamta Kumari's case and the judgment thereof is available on the record. Therefore, the interlocutory order has merged with the final order. On account

thereof, the matter is to be looked into in terms of final order. Moreover, as the petitioner failed to disclose the violation at the end of the petitioner, at the other end the opposite parties also did not disclose any kind of activity at their end in getting the order impugned (interlocutory order) splashed in any manner. So, instant petition in the aforesaid background as well as in the change scenario did not justify its continuance, furthermore.

Perused the record. After going through the same, it is apparent that keeping the instant file alive furthermore will serve no purpose whereupon is dropped.

(Aditya Kumar Trivedi, J.)

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