

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16142 of 2008**

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Mohan Kumar Sinha son of Sri Ragho Prasad, resident of village- Yadavpur  
Nanhkar, P.S. Dhaka, District- East Champaran

.... .... Petitioner

Versus

1. The State of Bihar
2. The Commissioner, Tirhut Division at Muzaffarpur, Town and District-  
Muzaffarpur
3. The Collector-cum- District Magistrate, East Champaran at Motihari  
Town and P.S. Motihari, District- East Champaran
4. The Anchaladhikari Adapur Anchal, P.S. Adapur, District- East  
Champaran

.... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Binod Kumar Singh

For the Respondent/s : Mr. Sri Raghawanand, GA-11

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

8      20-04-2017                      Heard Sri Binod Kumar Singh, learned counsel for  
the petitioner and Sri Raghawanand, learned Government  
Advocate no.11.

The petitioner has approached this Court, invoking  
its writ jurisdiction under Article-226 of the Constitution of India,  
with a prayer for quashing of an order contained in Memo No.140  
dated 20.09.2006 passed by the District Officer. By the said order,  
the petitioner was put under suspension with retrospective effect.

In this case, earlier a counter affidavit was filed and  
subsequently on behalf of Respondent nos. 3 and 4, supplementary  
counter affidavit was filed on 18<sup>th</sup> April, 2017, Sri Raghawanand,  
learned Government Advocate no.11 submits that subsequently



the earlier order of suspension was revoked in view of the fact that retrospective suspension was contrary to the law settled by this Court. He submits that now the earlier order has already been modified, which is evident from Annexure-S/A (Internal page-7, running page-68 to 70) to the supplementary counter affidavit. He submits that in view of subsequent development, the writ petition has now become infructuous.

Learned counsel for the petitioner has not disputed the fact as disclosed in the supplementary counter affidavit. However, he requests for directing the Respondents to take appropriate steps for clearing the dues in view of Annexure-S/A to the supplementary counter affidavit.

In view of facts and circumstances, particularly the fact that the order under challenge has already been subsequently revoked vide Annexure-S/A to the supplementary counter affidavit, there is no reason to keep the matter pending.

The writ petition stands disposed of.

The Court expects that in view of Annexure-S/A to the supplementary counter affidavit, Respondents may take appropriate steps for making payment at the earliest.

**(Rakesh Kumar, J)**

NKS/-

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