

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14010 of 2016

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Braj Bhushan Sharma, son of Late Ram Govind Sharma, resident of Jail Road, Shahpur, (Besides Anuradha Tent House), P.S. Shahpur, District Gorakhpur (Uttar Pradesh) at present Junior Engineer (Suspension) Office at Superintending Engineer, West Koshi Canal Circle, Madhubani, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Engineer in Chief (Madhya), Water Resources Department, Government of Bihar, Patna.
3. The Officer on Special Duty, Water Resources Department, Government of Bihar, Patna.
4. The Chief Engineer, Water Resources Department, Balmiki Nagar, District West Champaran, Bihar.
5. The Executive Engineer, Main Western Canal Division, Balmiki Nagar, District West Champaran, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate

For the Respondent/s : Mr. Vikash Kumar, SC-11

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 19-05-2017

Heard the parties.

Although the writ petition was filed questioning the order of suspension but it is admitted by Mr. Prabhat Ranjan, learned counsel appearing for the petitioner in reference to I.A. No.3487 of 2017 that during the pendency of the present proceeding final order has been passed in the departmental proceeding vide order bearing Memo No.544 dated 13.4.2017, whereby the petitioner has been dismissed



from service. He submits that since the order of dismissal has been passed at the dictate of the higher authority even the forum of appeal is not available.

Having considered the relief claimed by the petitioner as well as the stage at which the present dispute stands, in my opinion, the writ petition has been rendered academic in view of the final order passed in the departmental proceeding.

The writ petition is thus disposed of with a liberty to the petitioner to question the final order passed in the departmental proceeding but while giving such liberty this Court would leave it open for the petitioner to satisfy the Bench whether or not the appellate forum is yet available.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
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