

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.883 of 2004

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Mohan Prasad Sinha, s/o Late R.B. Lal, Resident of Mohalla Indrapuri,
Road No. 4, P.O. Kesari Nagar, P.S. Patliputra, Distt. Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Human Resources Development Department (Secondary) Bihar, Patna
2. Bihar Intermediate Education Council, through its Secretary
3. The Chairman, Bihar Intermediate Education Council, Patna
4. Sri. Mathura Chaudhary, the then Secretary, Bihar Intermediate Education Council, Patna
5. The Secretary, Bihar School Examination Board, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shanti Pratap, Adv.

For the BSEB : Mr. Gyan Shankar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 06-02-2018 Heard learned counsel for the petitioner and learned counsel representing the Board.

It appears that the petitioner had moved this Court for quashing of the office order dated 29.05.2003 by which the petitioner was repatriated (Annexure-6) to his parent organization i.e. Bihar School Examination Board. The petitioner was also aggrieved by the order, relieving him, vide Annexure 6/A to the writ application.

This Court vide its order dated 23.02.2004 while admitting the writ application stayed the operation of Annexure 6 and 6/A and kept the same in abeyance. By virtue of the order



passed by this Court, the petitioner continued to serve the Bihar Intermediate Education Council. It appears from Annexure-20 to the supplementary affidavit filed on behalf of the petitioner that he was posted in the establishment “B” Section after to the order of this Court referred above.

At this stage the supplementary affidavit filed on behalf of the petitioner discloses that during pendency of the writ application, the petitioner on attaining the age of 60 years, retired as Deputy Secretary with effect from 31.12.2007. It is also stated that the petitioner has been paid all retiral dues, on the basis of services rendered by him in Bihar Intermediate Education Council, Patna between the period 31.03.1981 to 31.12.2007. He is also getting pension regularly.

Some vague kind of pleadings have been made in the supplementary affidavit that the petitioner is getting provisional pension and not the full pension. However, the materials and the nature of grievance of the petitioner with that regard are not clear in the supplementary affidavit.

Since, the petitioner has already continued in service and has retired from service of Bihar Intermediate Education Council, during the pendency of this writ application, the order of repatriation as contained in Annexure-6 and the relieving order as



contained in Annexure 6/A of the writ application have lost their significance. Nothing remains for adjudication in the present writ application. Learned counsel for the parties are in agreement that the matter has become infructuous so far as the prayer made in the writ application is concerned.

It is dismissed as it has become infructuous.

(Rajeev Ranjan Prasad, J)

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