

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3155 of 2011

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Ganga Sharan, son of late Gajar Prasad, residentn of Mohalla – C-C56,
P.C. Colony, Kankarbagh, P.S. Kankarbagh, District – Patna.

.... Petitioner

Versus

1. The State of Bihar
2. The Secretary, Road Construction Department, Bihar, Patna.
3. The Additional Secretary, Road Construction Department, Bihar,
Patna
4. The Secretary, Building Construction Department, Bihar, Patna.
5. The Deputy Secretary, Building Construction Department, Bihar,
Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Prabhu Nath Pathak, Advocate
For the Respondent/s : Mr. Zaki Haidar, A.C. to S.C.9

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date: 17-01-2018

Heard learned counsel for the petitioner and
learned counsel for the State.

2. Realizing the difficulty in pressing I.A. No.
10007/2016 which may be lacking in pleading, learned
counsel for the petitioner craves leave of this Court to allow
him to file a duly constituted writ application enabling him to
challenge the Notification as contained in memo no. 3821(Bh)
dated 09.04.2015 under Rule 43(b) of the Bihar Pension Rule.

3. The Writ Application was initially filed
challenging the memo no. 12464(S) dated 19.08.2010 by
which a proceeding under rule 17 of the Bihar Government



Servant (Classification, Control and Appeal) Rule, 2005 (hereinafter referred to as the “Rule 2005”) was started against the petitioner by serving him memo of charge (Prapatra-K). It seems that during pendency of the writ application, the petitioner has retired and the departmental proceeding was converted in a proceeding under the Bihar Pension Rules where the punishment has been imposed.

4. This Court will have no difficulty in holding that the writ application has virtually become infructuous and the petitioner would be entitled to get the liberty sought for to challenge the order of punishment passed under Rule 43(b) of the Bihar Pension Rule in a duly constituted writ application.

5. Both the writ application as well as I.A. No. 10007/2016 are therefore disposed off as not pressed with the liberty aforesaid.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	NAFR
CA V DATE	NA
Uploading Date	17.01.2018
Transmission Date	NA

