

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.940 of 2017**

**In**  
**Civil Writ Jurisdiction Case No.14837 of 2015**

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Suresh Sao alias Suresh Sah, son of late Janaki Sao, resident of Village Manpur, P.S. Chandradeep, P.O. Aliganj and District Jamui.

... .. Petitioner/Appellant

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna
3. The Director Primary Education, Bihar, Patna
4. The District Education Officer, Jamui
5. The District Programme Officer (Establishment), Jamui
6. The Block Education Officer, Laxmipur Block, District Jamui
7. The District Provident Fund Officer, Jamui
8. The Treasury Officer, Jamui
9. The Headmaster, Upgraded Middle School, Sondeepee, Laxmipur Block, Jamui
10. The Accountant General, Bihar, Patna.

... .. Respondent/s

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**Appearance :**

|                             |   |                                            |
|-----------------------------|---|--------------------------------------------|
| For the Appellant/s         | : | Mr. D.K.Sinha, Senior Advocate             |
| For the State               | : | Mr. Priyadarshi Matri Sharan, AC to AAG-15 |
| For the Accountant General: |   | Mr. Kameshwar Prasad Gupta, Advocate       |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

7      03-10-2018                      Feeling aggrieved and dissatisfied with the impugned order passed by the learned Single Judge dated 23.05.2017 in Civil Writ Jurisdiction Case No.14837 of 2015 dismissing the petition and refusing to grant any relief of post - retirement benefits pending the departmental enquiry, the original writ petitioner has preferred the present Letters Patent Appeal.

It is reported and so stated in the counter affidavit that after the impugned order was passed, the departmental



proceedings have been disposed of and an order has been passed against the original writ petitioner. It is not disputed that against the subsequent order, the original writ petitioner has also preferred the appeal.

In that view of the matter, without expressing anything on merits in favour of either of the parties, the present Letters Patent Appeal stands disposed of as virtually the same has become infructuous. It goes without saying that the appeal before the first Appellate Court shall be considered in accordance with law and on its own merits.

**(Mukesh R. Shah, CJ)**

**(Ashutosh Kumar, J)**

Sunil/-s.shukla

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