

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 10235 of 2019

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Tejnarayan Ray Son of Late Baydhu Ray Resident of Village- Ramaiya,
Police Station- Mohiuddinnagar, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Personnel and Administrative Department, Government of Bihar, Patna.
2. The Commissioner, Darbhanga Division, Darbhanga.
3. The District Magistrate, Samastipur.
4. The Block Development Officer, Vidyapati Nagar, District- Samastipur.

... .. Respondent/s

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For the Petitioner/s	:	M/s Bijay Bhushan Pd, Shekhar Harshvardhan, Ms Vandana Singh, Advocates
For the Respondent/s	:	Mr Manish Kumar, GP 4

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER

2 22-07-2019 Heard learned counsel for the petitioner and the respondent-State.

Learned counsel for the petitioner, at the very outset, submits that descriptions of the Section of Indian Penal Code (for brevity, IPC) in paragraph 5 of the writ petition are wrong due to typographical error. Instead of Sections 366A/34 of IPC, it may be read as Sections 364A/34 of IPC.

Petitioner's counsel is permitted to correct the said error during course of the day.

The short submission advanced by the learned counsel for the petitioner is that on account of threat of his life arising out of the criminal proceedings in relation to his earlier kidnapping, he has sought modification of the Transfer Order



dated 12.12.2018 whereby he has been deputed from Vidyapati Nagar to Dalsingsarai. Petitioner has made his application before the Commissioner, Darbhanga Division. The Commissioner, Darbhanga Division has directed the District Magistrate, Samastipur to take appropriate decision on the petitioner's claim in accordance with Rules and law. He submits that in spite of such Communication dated 07.01.2019 (Annexure 8), no final decision has been taken till date.

Decision, pursuant to the communication of the Commissioner, has to be taken by the District Magistrate (respondent No 3).

In the circumstance, pendency of the instant proceedings would be futile.

Let respondent No 3 take a final decision in terms of the Communication dated 07.01.2019 from the office of the Commissioner, Darbhanga in accordance with law within a period of four weeks from the date of receipt/production of a copy of this order.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

M.E.H./-

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