

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)**

Miscellaneous Jurisdiction Case No.612 of 2017

In

Civil Writ Jurisdiction Case No.11545 of 2016

Binda Ram

... .. Petitioner

Versus

The State Of Bihar and Ors

... .. Opposite Parties.

Appearance :

For the Petitioner/s : Mr. Amish Kumar, Advocate

For the Opposite Party/s : Mr. Mrityunjay Kumar, AC to AAG 6

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 24-09-2020 Today Mr. Mrityunjay Kumar, learned AC to AAG-6 on behalf of the State is present. He has gone through the order dated 03.09.2020 passed by this Court which reads as under:-

“4 03-09-2020 Mr. Amish Kumar, learned Advocate has reiterated that he cannot assist this Court in the matter because his Senior has already resigned from the post of Additional Advocate General.

Let this case be brought to the notice of learned Advocate General to appoint a Law Officer who may represent the State.

Prima-facie this Court finds that it is a modification application seeking modification of the judgment dated 18.08.2016 by which the learned writ court had been pleased to allow batch of the writ applications after quashing the notification No. 646 dated 30.06.2016 whereby 461 Subordinate Education Service officials were transferred and posted at different places. A direction was issued to the respondents to follow the norms and standards after due verification of the service history of the posting of the persons who are going to be



transferred, may be keeping in mind Rule 153 of the Bihar Education Code.

The only contention of the State is that it is practically difficult to strictly adhere to Rule 153 of the Bihar Education Code.

This Court finds prima-facie this application has become infructuous by efflux of time and further that the direction of the learned writ court is only in the nature of bringing the said Rule 153 of the Bihar Education Code to the notice of the respondents. If the respondents are of the opinion that Rule 153 is not applicable, the same could have been well explained in the subsequent action.

In any view of the matter, list this case giving an opportunity to the applicant State on 21st of September, 2020.”

In course of argument, learned counsel for the State is unable to demonstrate that the cause of action for this application is still alive.

For the reasons already stated in the order dated 03.09.2020, this Court is of the considered opinion that this application has become infructuous and is, thus, disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

