

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7925 of 2020

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Rekha Kumari W/o Sri Nawal Kishore Yadav, Resident of Quarter No. 22,
New Paricharika Pariwarik Aawas, P.M.C.H. Campus, P.S.-Pirbahore, Town
and District-Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna.
2. The Special Secretary, Department of Health, Government of Bihar, Patna.
3. The Under Secretary, Department of Health, Government of Bihar, Patna.
4. The Director in Chief, Health Services, Bihar, Patna.
5. The Superintendent, Patna Medical College, Hospital, Patna.
6. The Superintendent, L.H.V. School, Patna City, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Shiv Kumar, Adv.
For the Respondent/s : Mr. Nagendra Prasad Yadav, (SC-23)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 01-10-2020 Filing through email of the present application has been accepted in view of the out-break of COVID-19 Pandemic and has been posted before me for hearing through video conferencing.

2. The application is apparently not in accordance with the provisions prescribed under the Patna High Court Rules, which do not contemplate filing of application through email. In spite of that, considering the extra-ordinary situation, filing of the present application has been allowed through email.



3. Considering the situation prevailing, the Court has considered, for the present, to ignore the deficiency in filing of the application.

4. The petitioner has prayed the following reliefs in the present writ application:-

“ That the present application is for issuance of a writ in the nature of writ of certiorari for quashing the order issued vide memo no. 437(A) 6 dated 28.03.2020 under the signature of the Director in Chief, Health Services, Bihar, as contained in Annexure-7 whereby and whereunder the petitioner has been transferred and posted to the Jan Nayak Karpuri Thakur Medical College Hospital, Madhepura. And further also for quashing the consequential office order issued vide memo no. 606 dated 30.05.2020 under the signature of the Superintendent, L.H.V. School, Patna City as contained in Annexure-8, whereby and whereunder the petitioner has been unilaterally relieved and directed to Join at her transferred place of posting. And further a writ in the nature of writ of mandamus directing the respondent authorities to allow the petitioner to work at her present place of posting till finalisation of her posting/promotion as tutor in light of the letter vide memo no. 752(2) dated 21.06.2019



issued under the signature of the Secretary,
Department of Health, govt. of Bihar, Patna.
And/or pass such other order or orders as this
Hon'ble Court may think fit and proper in the
facts and circumstances of the Case.”

5. At the outset, Mr. Shiv Kumar, learned counsel for the petitioner seeks leave to withdraw the present application. He submits that during pendency of this application, the grievances of the petitioner have been redressed.

6. In view of the submission made above, the application is disposed of as infructuous.

7. Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my email by the Sr. Secretary.
- (ii) The corrected copy of the order shall be transmitted



by me from my email id to the Sr. Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.

- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let a copy of the order be sent to Mr. Shiv Kumar, learned counsel for the petitioner also on his email.
- (v) Let steps be taken by the Sr. Secretary/registry for up- loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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