

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
Civil Writ Jurisdiction Case No.11783 of 2019**

Shobha Devi @ Sobha Pandey W/o Shri Janardan Pandey Vill.- Bediban
Madhuban, P.o.- Bediban Madhuban, Via- Damodarpur, P.s.- Pipra, Distt.-
East Champaran

... .. Petitioner

Versus

1. The State of Bihar through the Secretary-cum-Commissioner, Primary Education Department, Govt. of Bihar, Patna
2. The Secretary-cum-Commissioner Primary Education Department, Govt. of Bihar, Patna
3. The Secretary Education (Primary) Department, Govt. of Bihar, Patna
4. The District Magistrate East Champaran
5. The District Programme Officer (Establishment) East Champaran, Motihari
6. The Block Education Extension Officer Anchal- Areraj, East Champaran, Motihari
7. The Accountant General Bihar, Patna

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Shri Prakash Srivastava, Advocate
For the State : Smt. Binita Singh (SC28)
For the Accountant General: Mr. Ram Kinkar Choubey, Advocate

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

5 31-08-2020 Heard Mr. Shri Prakash Srivastava, learned counsel for the petitioner and Ms. Binita Singh, learned SC-28 representing the State and it's authorities and Mr. Ram Kinkar Choubey, learned counsel for the Accountant General, Bihar.

Mr. Srivastava, learned counsel for the petitioner initially tried to impress upon this court that the plea taken by the respondents in their counter affidavit are not correct and this Court may enter into the issues raised in the writ application but after a brief discussion at the bar, learned counsel has realized that at this stage so long as the First Information Report exists perhaps the petitioner would not be able to make out a case for issuance of writ of mandamus for the reason that this being a



disputed question of facts and the matter being under investigation this Court cannot decide the issue.

Mr. Srivastava has requested this Court to allow him to withdraw this Writ Application at this stage seeking liberty to challenge the First Information Report in a duly constituted proceeding in appropriate jurisdiction and thereafter if occasion so arises the petitioner be granted liberty to move appropriate Court/Forum for redressal of her grievances with respect to the payments in question.

Learned counsel representing the State and the Accountant General do not object the prayer on behalf of the petitioner.

This Writ Application is, thus, permitted to be withdrawn with liberty to the petitioner to avail her remedy in appropriate jurisdiction and in accordance with law. This Court has not expressed any opinion on the merit of the contention of the parties.

This Writ Application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

