

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15726 of 2019

Dr. Arun Kumar Sinha S/o Late Bimla Sharan Singh Resident of Flat No.302,Om Residency Apartment Parwati Path, New Chiragupta Nagar, PO Lohiya Nagar, P.S. Patrakarnagar, Town and Dist. Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Govt. of Bihar, Bikas Bhawan Secretariat, Bailey Road, Patna
2. The Joint Secretary, Health Department, Govt. of Bihar, Bikas Bhawan Secretariat, Bailey Road, Patna
3. The Additional Director, Health Services, Health Department, Govt. of Bihar, Bikas Bhawan Secretariat, Bailey Road, Patna
4. The Director, Public Health Institute Near P.M.C.H., Ashok Rajpath, Patna-800004

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shiv Kumar, Adv.
For the Respondent/s : Mr. Ramadhar Singh GP-25

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6. 12-08-2020 As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through the video conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Masters and Secretary are also part of this Virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and learned State counsel.

The writ petition has been filed raising an issue with



regard to petitioner's transfer. During the pendency of the writ proceedings, when the petitioner was seeking to be posted at Patna, the Authorities have compulsorily retired the petitioner. It is submitted by the petitioner's counsel that the compulsory retirement is without following the procedure prescribed and is unsustainable. He submits that the same is assailed in CWJC No1203 of 2020.

The factual aspect, therefore, as of today, is that the petitioner is compulsorily retired from service. The transfer matter, therefore, loses its significance since the same has become infructuous on account of the above noticed development during pendency of the writ proceedings.

Learned counsel for the petitioner submits that if he succeeds in his challenge to the compulsory retirement, he should be allowed liberty to pursue the matter regarding his posting. The learned State Counsel submits that in view of the compulsory retirement of the petitioner, as of today, the transfer matter, raised in the instant writ proceedings, has become infructuous.

In view of the aforesaid submissions of the parties, no further orders are required to be passed in the instant proceedings. The writ application is disposed off. Liberty,



however, is, granted to the petitioner to raise any issue in accordance with law with respect to his posting, if and when, he succeeds in his challenge to the order of compulsory retirement, assailed in CWJC No 1203 of 2020.

(Madhuresh Prasad, J)

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