

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18477 of 2016

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Jitendra Kumar Singh, Son of late Bhola Singh, Resident of Village-
Bhawdepur, P.S. Riga, District-Sitamarhi, Presently Chaukidar 5/9 Under
Suspension, Roga Police-Station, District-Sitamarhi

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The District Magistrate, Siramarhi, District-Sitamarhi
3. The Superintendent of Police , Sitamarhi, District -Sitamarhi
4. The Additional Collector, District Revenue Section, Sitamarhi, District-Sitamarhi
5. The Sub-Divisional Officer, Sadar Sitamarhi, District -Sitamarhi
6. The Circle Officer, Riga, District-Sitamarhi
7. The Station Head Officer, Riga District-Sitamarhi

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh
For the Respondent/s : Mr. Sheoshankar Prasad-SC-8

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 08-06-2020

The matter has been taken up through virtual court proceeding.

Heard learned counsel for the petitioner and respondent-State.

The present application has been preferred for quashing the order passed vide memo no. 1449, dated 26.09.2013, issued under the signature of respondent no.2, the



District Magistrate, Sitamarhi, as contained in Annexure-1, whereby the petitioner has been put under suspension due to institution of criminal case against him, being Dumra P.S. Case No. 176 of 2013. The relief as stipulated in paragraph no.1 of the petition, reads as follows:-

“(I) For issuance of an appropriate writ in the nature of certiorari for quashing the office order contained in memo no. 1449 dated 26.09.2013 issued under the signature of the Respondent No. 2 whereby and where under the petitioner has been placed under suspension for the reason of his being accused in connection with a criminal case registered in Dumra Police Station being Dumpra P.S. Case No. 176 of 2013 registered for the offences under Sections 25(1-B)a, 26 and 35 of the Arms Act.

(II) For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Authorities to vacate the suspension of the petitioner with effect from 15.03.2014 on the ground that after his release from judicial custody, the petitioner submitted his joining in Riga Police Station and the same was accepted by the Station Head Officer, Riga.

(III) For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Authorities to direct the Respondents to pay the subsistence allowances to the petitioner for the suspension period with effect from 05.07.2013 till 14.03.2014 and thereafter to pay the full salary of the petitioner with effect from 15.03.2014 and



onwards.

(IV) For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Authorities to drop the departmental proceeding initiated against the petitioner with a direction to initiate it subject to outcome of the criminal case which is going on for similar set of charges.

(V) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

Learned counsel for the respondent-State submits that a counter affidavit has been filed on behalf of Respondent Nos. 2, 4, 5 and 6 wherein specific averment has been made in paragraph no. 6 to the effect that the suspension of the petitioner has been revoked by the District Magistrate, Sitamarhi vide order contained in Memo no. 886/Dist.Gen., dated 08.09.2017 (Annexure ‘B’). Relevant portion of the same reads as follows:-

“Being agreed with the abovementioned plea of the learned lawyer of the petitioner the suspension of petitioner has been revoked by the District Magistrate, Sitamarhi vide order contained in Memo no. 886/Dist.Gen., dated 08.09.2017 (Annexure ‘B’).”

In that view of the matter, the present application has become infructuous.

Accordingly, the present application is disposed of



as infructuous.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	09.06.2020
Transmission Date	

