

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6181 of 2016**

Abhimanyu Singh Son of Late Radhey Singh, Resident of village- Takipur,  
P.S.- Maharajganj, District- Siwan

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Secondary Education, Government of Bihar, Patna
3. The District Magistrate, Siwan
4. The District Education Officer, Siwan

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Krishna Kant Singh  
For the Respondent/s : Dr. Mankeshwar Tiwari, AC to AAG-3

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

10    21-10-2024                      1. Heard learned counsel for the petitioner and  
learned AC to AAG-3.

2. The learned counsel for the petitioner, after arguing  
vehemently for some time realizing his difficulty seeks  
permission to withdraw the writ application with liberty to file  
afresh in the event if the petitioner is acquitted in the criminal  
case, which has been instituted against him for the same charges  
on which departmental proceeding was initiated, based on  
which the petitioner was terminated from service by an order  
dated 03.08.2015 passed by the Respondent No. 2 which is  
impugned in the present writ application.

3. The learned counsel appearing on behalf of the  
State submits that details of the criminal case is not pleaded in  
the writ petition, further departmental proceeding is based on  
preponderance of probabilities while criminal trial is based on



strict rule of evidence, hence it is submitted that even acquittal in criminal case may not have any bearing on the order of termination, thus, submits that if writ petition is filed subsequently, the State will have the right to argue on merits. The withdrawal of the writ petition and subsequent filing of the writ petition in event of acquittal will not bar the State from arguing the case on merits.

4. The writ petition is permitted to be withdrawn with liberty to file afresh in event of acquittal in criminal proceeding without prejudice to the right of State to argue the case on merits.

**5. Accordingly, the instant writ application is dismissed as withdrawn with the liberty aforesaid.**

**(Satyavrat Verma, J)**

Rishabh/-

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