

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5299 of 2024

Ashok Kumar Arbind @ Ashok Kumar Arvind Son of Ram Charan Poddar,
Resident of village- Baluachak Jangaon, P.S. Jagdishpur, District- Bhagalpur,
PIN - 812005, Presently posted and working on the Post of Lower Division
Clerk at Bhagalpur Engineering College, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Science and Technology Education Department, Govt. of Bihar, Baily Road, Patna, New Secretariate, Patna.
2. The Additional Secretary, Department of Science and Technology Education Department, Govt. of Bihar, New Secretariate, Bailey Road, Patna.
3. The Principal, Bhagalpur Engineering College, Bhagalpur.
4. The Director, Science and Technology Education Department, Bihar, Patna (Bailey Road).
5. The Principal, Govt. Engineering College, Banka (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anshu Dhar Sharma, Adv. Mr. Sunil Kumar, Adv.
For the Respondent/s	:	JC to Government Advocate (5)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 10-07-2025 Heard Mr. Anshu Dhar Sharma, learned counsel for
the petitioner and learned counsel for the Respondent-State.

2. The writ application has been filed for quashing the order no. 1109 dated 15.03.2024 issued by the Additional Secretary, Department of Science and Technology Education, Bihar, Patna whereby the petitioner has been transferred from Bhagalpur Engineering College to Govt. Engineering College, Banka on the same post of Lower Division Clerk.

3. Learned counsel for the State submits that the



petitioner has superannuated on 24.01.2025 and now this writ application has become infructuous.

4. Mr. Sharma, learned counsel for the petitioner submits that transfer order and the relieving order of the petitioner were stayed and even after the stay of transfer order as well as relieving order, he was not allowed to function in Bhagalpur Engineering College and the joining of the petitioner was not accepted by the Bhagalpur Engineering College. The petitioner, then filed a contempt application bearing MJC No. 2576 of 2024 and after filing of the MJC application, the petitioner was allowed to join and he started discharging his duty.

5. Now the contention of the petitioner is with regard to payment of salary for an approximate period of 6 and a ½ months.

6. Learned counsel for the State submits that the petitioner may file a representation before Respondent No.3, the Principal, Bhagalpur Engineering College, Bhagalpur and if such representation is filed, he shall consider the same in accordance with law.

7. Considering the submission made by the parties and the nature of relief as sought for, I deem it expedient to



permit the petitioner to file a fresh representation before the Principal, Bhagalpur Engineering College, Bhagalpur within a period of two weeks from the date of passing of this order.

8. If such a representation is filed by the petitioner, the Principal, Bhagalpur Engineering College, Bhagalpur is directed to dispose the same within a reasonable time frame preferably within a period of two months from the date of filing representation by the petitioner.

9. With the aforesaid observation/direction, the present writ application is disposed of.

(Anil Kumar Sinha, J)

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