

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8913 of 2020

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Madhu Roy @ Madhu Mandal, Wife of Late Radhe Shyam Mandal, Resident of Mohalla- Professor Colony, Shivpuri, Lal Bahadur Shastri Nagar, P.O.- Shastri Nagar, P.S.- Shastri Nagar, PIN- 800023, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Government of Bihar, New Secretariat, Patna.
2. The Registrar General, Patna High Court, Patna.
3. The District and Sessions Judge, Civil Court, Patna, District-Patna.
4. The Registrar, Civil Court Patna, District-Patna.
5. The Accountant General Birchand Patel Path, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Respondent/s : Ms. Surya Nilambari, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 30-06-2025

Heard the parties.

2. Mr. Sunil Kumar Singh, learned Advocate for the petitioner presses interlocutory application, bearing I.A. No. 1 of 2023, with the contention that during the pendency of the present writ petition, the departmental proceeding initiated against the petitioner came to an end vide order dated 04.01.2021 whereby the petitioner has been inflicted with the punishment of dismissal. The aforesaid order is put to challenge by filing I.A. No. 1 of 2023.



3. Ms. Surya Nilambari, learned Advocate for respondent nos. 1 to 4, referring to the reliefs prayed for in the writ petition, has made preliminary objection with regard to the maintainability of the I.A. No. 1 of 2023. It is vehemently contended that the writ petition came to be filed with regard to the entitlement of the petitioner for grant of retiral benefits and further for a direction to consider the case of the petitioner for admissible pay scale. Since the petitioner was subjected to departmental proceeding, which culminated into dismissal, hence a fresh cause of action has arisen, and thus the impugned order of dismissal cannot be challenged in the interlocutory application.

4. This Court finds substance in the submissions advanced by the learned Advocate for respondent nos. 1 to 4. Interlocutory application, bearing I.A. No. 1 of 2023, stands rejected. The petitioner shall be at liberty to assail the order of dismissal in appropriate writ petition, if so advised.

5. Considering the subsequent development, the petitioner has now been inflicted with the punishment of dismissal and his entire retiral benefits have been withheld, the present writ petition has become infructuous. Accordingly, the



same stands disposed of, with the liberty aforesaid.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.07.2025
Transmission Date	NA

