

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2727 of 2022

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Bir Bahadur Singh Son of Basdev Singh, Resident of Village - Merahi, Police Station - M.H. Nagar, District - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar, Patna.
2. The District Magistrate, Siwan.
3. The Superintendent of Police, Siwan.
4. The Officer - in - Charge, District General Section, Siwan, District - Siwan.
5. The Circle Officer, Hasanpura, District - Siwan.
6. The Officer - in - Charge, M.H. Nagar Police Station Hasanpura, District - Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate
For the Respondent/s : Mr. Manish Kumar (Gp4)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-07-2026 Learned counsel for the petitioner and learned
counsel for the State are present.

2. The present writ petition has been filed with the
following reliefs:-

“1. That this application is being filed for issuance of writ/writs, order/orders, direction/directions to the respondents for quashing the order bearing Memo No. 38 dated 18.01.2022 issued under the signature of Respondent No. 5 relieving the petitioner from Circle Officer, Hasanpura to Police station M.H. Nagar, Hasanpura without any prior order of the Respondent Nos. 2 or 3 which is without jurisdiction because



the petitioner was posted in Circle Officer, Hasanpura by the order of Respondent No. 2 issued vide Memo No. 179 dated 27.1.2016 but without order of Respondent No. 2, the Respondent No. 5 illegally issued the order and further it is prayed to stay the operation of the impugned order bearing Memo No. 38 dated 18.1.2022 issued under the signature of Respondent No. 5 till the disposal of this writ application and for any other relief or reliefs be granted to the petitioner as he is legally entitled in the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that, during the pendency of the present writ petition, the petitioner has retired from service. However, all the retiral benefits have not yet been extended to him. In these circumstances, he seeks permission to withdraw the present writ petition as having become infructuous, with liberty to approach the competent authority for release of all admissible retiral dues.

4. Learned counsel appearing for the State, on the other hand, submits that the petitioner, in gross violation of the transfer order, failed to join at the transferred place of posting. It is further submitted that the petitioner has misled this Court by seeking a direction for release of all retiral benefits despite his own conduct.

5. Having considered the rival submissions and the



facts and circumstances of the case, this Court is of the opinion that, since the petitioner has already retired from service, the relief sought in the present writ petition no longer survives for adjudication. Accordingly, the petitioner is permitted to withdraw the present writ petition as having become infructuous.

6. Consequently, the writ petition stands dismissed as withdrawn, having become infructuous.

7. It is made clear that this Court has not expressed any opinion on the merits of the rival claims. Liberty is reserved to the petitioner to avail such remedy as may be available in law before the competent authority/forum for redressal of his grievance regarding the release of admissible retiral dues, if so advised.

(Dr. Anshuman, J)

Manshi/Ashwini

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