

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1287 of 2017**

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Mohd. Aslam Ansari Son of Mohd. Samiullah Ansari, Resident of Village and Post Rewati Uttar Tola, P.O. Rewati, P.S. Rewati, Distt. Ballia U.P..

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Engineer-in-Chief, Sah-Apar Ayukta-Sah Vishesh Sachiv, R.C.D. Bihar, Patna
3. The Executive Engineer, Path Pramandal Chhapra, Path Prasakha Madhaura, Chhapra.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|---------------------------------------|
| For the Petitioner/s | : | None                                  |
| For the Respondent/s | : | Mr. Mahendra Prasad Verma, AC to SC20 |

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

- 5      05-01-2026      1. No one appears for the petitioner. Learned counsel for the respondents are present.
2. The petitioner has filed the instant application for the following reliefs:

*“1. That by way of the writ petition, the petitioner seek relief of this Hon'ble Court for issuance of aforesaid writ in the nature of mandamus or an appropriate writ or writs, order or orders direction or directions to commanding the respondents authorities to permit the petitioner for joining and also allow to writ to the petitioner on his respective post which have been discharge earlier by the petitioner and pay regular salary to the petitioner and petitioner is also pay for the other consequential benefits.”*



3. Learned counsel for the respondents in reference to the statement made in paragraph nos. 8, 9 and 10 of the counter affidavit filed on behalf of the respondent nos. 1 and 2 submits that the instant writ application has become infructuous. Paragraph nos. 8, 9 and 10 are quoted hereinbelow:

*“8. That in this regard, it is humbly stated that the departmental proceeding was conducted against the petitioner vide Departmental office order No.54 read with Memo no. 1473 (E) Anu Dated 18.03.2017 on the charges of unauthorizedly absent from duty of about 2 years 10 months and 20 days and the said departmental proceeding has now been concluded and final order in this regard passed vide memo No. has 732 (E) been dated 01.02.2018 issued by the Engineer-In Chief -Additional Commissioner-cum- Special Secretary, Road Construction Department, Bihar (Respondent no.2) Whereby four decisions have been taken as hereunder.*

*(A) The period of absence from 11.10.2012 to 31/08/2015 has been regularized as extraordinary leave (No Work No Pay) but the said period will not be counted for seniority at the time of promotion.*

*(B) That joining date 01.09.2015 of the petitioner has been accepted with warning not to repeat again.*



*(C) Petitioner will have to submit an affidavit/certificate that he was not gainfully employed during the absence period in question and he has not committed any criminal offence. Hence, petitioner will not stake any claim for payment of salary from 11.12.2010 to 31.08.2015.*

*(D) If any information relating to clause-C is received then disciplinary action would be taken.*

*Xerox copy of the memo No. 732 (E) dated 1.2.2018 issued by the Engineer in-Additional Commissioner-cum-Special Chief-cum Construction Road Department, Secretary, Bihar is attached herewith as Annexure- A to this counter affidavit.*

*9. That in view of abovesaid decision contained in office order dated 01.02.2018, petitioner has submitted his joining on 05.02.2018 on the post of Junior Engineer in Road Division Chhapra, which has been accepted.*

*10. That in view of aforesaid facts and circumstance and factual development of this case now, this writ application may be dismissed as infructuous since the grievance of the petitioner has been redressed.”*



3. As no one appears on behalf of the petitioner, this application is dismissed for non-prosecution.

**(Partha Sarthy, J)**

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