

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7606 of 2014

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Babita Kumari, wife of Sri Vidyanand Paswan, Resident of Village - Ratnauli,
Police Station - Maniyari, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department,
Government of Bihar, Patna.
2. Director, I.C.D.S. Directorate, Govt. of Bihar, Patna.
3. Divisional Commissioner, Tirhut Division, Muzaffarpur.
4. District Magistrate, Muzaffarpur.
5. District Programme Officer, Muzaffarpur.
6. Child Development Project Officer, Kudhani, District - Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nand Kumar Singh

For the Respondent/s : Mr. Amit Kumar Anand, AC to GP-15

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 23-01-2015

Heard the parties.

The petitioner is aggrieved by the order dated 13.11.2013 (Annexure-1) passed in I.C.D.S. Case No.440 of 2013 by the respondent Divisional Commissioner, Tirhut Division, Muzaffarpur, whereby the aforesaid case filed on behalf of the petitioner has been dismissed for default.

Learned counsel appearing on behalf of the petitioner has submitted that the aforesaid case was admitted by the respondent Commissioner by the order dated 16.09.2013 and a notice was issued to the opposite parties and the next date fixed was 23.12.2013 for hearing. Therefore, the respondent Divisional Commissioner could not have dismissed the aforesaid case of the petitioner prior to 23.12.2013 by the impugned order dated 13.11.2013.

Leaned counsel appears to be correct.

Consequently, the impugned order dated 13.11.2013 (Annexure-1) is hereby set aside and quashed. The respondent Divisional Commissioner is hereby directed to decide the aforesaid I.C.D.S. Case No. 440 of 2013 on merits by a reasoned and speaking order after giving an opportunity of hearing to all concerned.

The writ petition stands allowed to the extent indicated above.

(Birendra Prasad Verma, J)

Arvind/-

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