

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2449 of 2015

IN

Civil Writ Jurisdiction Case No. 1162 of 2014

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Sarita Kumari, wife of Ratish Kumar Jha, Resident of Village – Ratwara Bindwara (West), P.S. – Aurai, District – Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar Through Secretary Social Welfare Department Govt. of Bihar
2. The Commissioner, Tirhut Division, Muzaffarpur
3. The District Magistrate, Muzaffarpur
4. The Deputy Director, Welfare, Tirhut Division, Muzaffarpur
5. The Child Development Project Officer, Aurai, Muzaffarpur
6. Sarita Devi, wife of Pramod Kumar Sah, Resident of Village- Ratwara Bindwara West, P.S. – Aurai, District – Muzaffarpur

.... Opposite parties

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Appearance :

For the Petitioner/s	:	Mr. Tej Bahadur Singh, Sr. Advocate Mr. Brisketu Sharan Pandey
For the Respondent/s	:	Sonal Mishra, AC to AAG-8

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 30-09-2015

30.09.2015

Heard learned counsel for the parties.

When the order was passed on 13.02.2015, the new amended provision was not in place. The notification, vesting power in the Collector, has been issued on 11.08.2015. Therefore, what was pending before the Deputy Director, Welfare has to hear the appeal and decide the matter. The notification will have prospective effect and not retrospective effect.

In addition to that it is clarified that in the

present matter since the earlier order was passed by the Collector, therefore, in the given facts it is desirable that the Deputy Director hears the appeal and decides the same. No further confusion should be caused by the Deputy Director with regard to his jurisdiction or adjudication.

Looking at the protracted delay in the matter, appeal must be heard and decided before 31st of December, 2015.

Modification application stands disposed off accordingly.

(Ajay Kumar Tripathi, J.)

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