

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19417 of 2010

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Baidyanath Prasad Sinha, S/O Late Ishwari Prasad Shrivastava, R/O Vill.-
Raghunathpur, P.O.- Motihari, P.S.- Turkauliya, Block- Turkauliya, Distt.-
East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, East Champaran, Motihari
3. The District Programme Officer, East Champaran, Motihari
4. The District Superintendent of Education, East Champaran, Motihari
5. The Child Development Project Officer Block- Turkauliya, Distt.- East
Champaran
6. The Director, I.C.D.S. Directorate, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shri Prakash Srivastava
Mrs.Anu Priyadarshni
Mr.Amit Bhushan

For the Respondent/s : Mr. Kaushal Kumar Jha, AAG-14
Mr.Shankar Kumar Choudhary, AC to AAG-14

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 13-02-2015 Though, this writ petition was filed way back on
25.11.2010, yet counter affidavit has not been filed on behalf of
the respondents, which is in flagrant violation of the mandate of
the Bihar State Litigation Policy, 2011.

In view of the nature of the claims raised on behalf of
the petitioner, fully detailed in paragraph no.1 of the present writ
petition, this Court is of the opinion that no useful purpose will be
served by keeping the present matter pending any longer awaiting
the counter affidavit on behalf of the respondents. In the
considered opinion of this Court interest of justice shall be sub-
served, if the petitioner is granted liberty to file a comprehensive
representation with all supporting documents before the
respondent District Magistrate, East Chamapran, Motihari, raising

all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

If such a comprehensive representation is filed by the petitioner within a period of one month from today with a certified copy of the present order, then the respondent District Magistrate, East Champaran, Motihari either himself or any other competent authority of the respondent State shall be obliged to consider and decide the claims raised on behalf of the petitioner, after giving an opportunity of hearing to all concerned, by a reasoned and speaking order, at an early date preferably within a period of four months from the date of filing of such comprehensive representation by the petitioner. If on consideration of the materials, the competent authority comes to a conclusion that the claims raised on behalf of the petitioner are admissible to him, then the consequential order shall also be issued for grant of such admissible claims, without any unnecessary further delay.

It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner in the present writ petition and the same is left to be decided by the competent authority strictly in accordance with law.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

Arvind/-

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