

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1730 of 2016
IN
Civil Writ Jurisdiction Case No. 12838 of 2008**

- =====
1. The State of Bihar
 2. The Principal Secretary, Welfare Department, Government of Bihar, Patna
 3. The Director, Integrated Child Development Programme, Welfare Department, Govt. of Bihar, Patna
 4. The District Magistrate, Patna
 5. The District Welfare officer, Patna
 6. The District Programme officer, Patna
 7. The Child Development Project officer, Punpun Block, Patna
 8. The Block Development Project officer, Punpun Block, Patna

.... Appellant/s

Versus

1. Siran Kumari @ Siran Devi Wife of Rakesh Kumar Resident of village - Sikandarpur, P.S. Punpun, District Patna
2. Mukhiya, Gram Panchayat Raj, P.S. Punpun, Patna
3. Panchayat Secretary, Gram Panchayat Raj, P.S. Punpun, Patna

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Indeshwari Prasad Mandal, Advocate

For the Respondent/s :

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 10-07-2017

Delay of 194 days in filing the appeal is condoned. I.A.

No.7086 of 2016 is allowed.

Considering the fact that the learned Writ Court has decided the issue based on a Division Bench judgment in L.P.A.

No.1198 of 2011 (The State of Bihar and others v. Smt. Anita



Banka and another), wherein it has been laid down that if in spite of information the Government representative is not present, the selection is not vitiated.

In doing so, we are of the considered view, the learned Writ Court has not committed any error warranting re-consideration as the decision is based on the Division Bench judgment deciding the issue.

The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.7.2017
Transmission Date	N/A

