

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1577 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 23511 of 2012**

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Kum Kum Devi, W/o Sri Jitendra Kumar Roy, Resident of Village- Shokhara-2,
P.S. Phulwariya, District- Begusarai

.... Appellant/s

Versus

1. The State of Bihar represented through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Deptt. of Welfare, Govt. of Bihar, Patna.
3. The Divisional Commissioner, Munger Division, Munger.
4. The District Magistrate, Begusarai.
5. The Director, Directorate of I.C.D.S., Indira Bhawan, Patna, Bihar.
6. Sri Akhtar Wasif, Asstt. Director, Directorate of I.C.D.S. Indira Bhavan, Bihar, Patna.
7. The District Programme Officer, I.C.D.S. Begusarai.
8. The Child Development Project Officer, Teghra, District- Begusarai.

.... Respondent

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Appearance:

For the Appellant/s : Mr. Surendra Kishore Thakur, Advocate.
Smt. Y. Madhavi, Advocate.

For the Respondent/s : Mr. Niraj Kumar, AC to GA-10.

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH**

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 09-03-2017

The challenge in the present Letters Patent Appeal is to
an order passed by the learned Single Bench on 07.01.2013 whereby
the writ application was withdrawn with liberty to file an appeal
before the District Magistrate, Begusarai.

Learned counsel for the appellant points out that MJC
No. 668 of 2015 was also filed for the modification of the said order
whereby the writ application was withdrawn, but such application



has also been dismissed on 24.06.2015.

The appellant challenges the order dated 07.01.2013 and 24.06.2015 in the present appeal.

We do not find that the present Letters Patent Appeal is maintainable, as the appellant has withdrawn the writ application with liberty to file an appeal before the District Magistrate. Therefore, the order passed by the learned Single Bench is based on consent and such an order cannot be impugned by way of an appeal. Consequently, the present Letters Patent Appeal is dismissed as not maintainable.

However, the appellant is at liberty to avail the remedy as sought for before the learned Single Bench, provided the same is filed within two months. The learned District Magistrate shall decide the appeal on merits in accordance with law.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

Mishra

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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