

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10768 of 2016

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Baby Jha, wife of late Santosh Jha, resident of Village Maksuda Tole Jhagraua, P.S. Sakri, Dist. Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Supplies and Consumer Protection Department, New Secretariat, Patna.
2. The District Magistrate, Madhubani.
3. The Sub Divisional Officer, Sadar Madhubani, Dist. Madhubani.
4. The Block Supply Officer Block-Rahika, Dist. Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms. Sushmita Mishra, Adv.

For the Respondent/s : Mr. J.P. Kishore, AC to SC-13

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 05-07-2017

Heard learned counsel for the petitioner and counsel for the State.

In this case, the petitioner is challenging the order passed by the appellate order in P.D.S. Appeal No. 28 of 2015-16. The appeal has been rejected on the ground of limitation. A ground has been taken that on account of death of the husband of the petitioner, the appeal was filed belatedly.

Having considered the grounds mentioned in the order itself, this Court is of the view that the Collector should have condoned the delay and ought to have passed the order on merit.

Accordingly, the order dated 4.3.2016 is set aside and the matter is remanded back. The delay is condoned and the Collector,



Madhubani is directed to pass an order on its merit.

This Court is not giving any opinion on the merit of the case and the appellate authority will decide the case on merit within a period of four months from the date of receipt/production of a copy of this order.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.07.2017
Transmission Date	NA

