

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10455 of 2017

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Nitu Kumari, W/o Sri Uday Narayan, R/o Village- Kuanhi, P.S. Balraj & District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through, Chief Secretary, Government of Bihar, Secretariat, Patna.
2. The District Programme Officer, Balraj Motipur, Muzaffarpur.
3. The District Magistrate, District Collectariate, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Respondent/s : Mr. Md.Raishul Haque-Sc10

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-04-2018 The petitioner has challenged the order dated 3.2.2017 whereby and whereunder the appeal of the petitioner herein has been dismissed for default on account of non-presence of the appellant/ the petitioner herein.

The learned counsel for the petitioner submits that since by the original order dated 13.1.2016, the petitioner has been held to be not eligible for appointment, the right of livelihood of the petitioner herein and consequently right to life under Article 21 of the Constitution of India is effected, hence it would be in the interest of justice that the appellate authority may consider the appeal of the petitioner on merits.

Having heard the learned counsel for the parties, I am



of the opinion that the appeal of the petitioner is required to be considered on merits inasmuch as by the order under appeal dated 13.1.2016, it has been held that the petitioner is not eligible for appointment and the same affects the right of livelihood of the petitioner herein.

In such view of the matter, I deem it fit and proper to quash the order dated 3.2.2017 passed by the Collector, Muzaffarpur, i.e. the respondent no.3 and I further direct that the respondent no.3 shall consider the appeal of the petitioner on merits and dispose of the same by a reasoned and speaking order within a period of eight weeks from today.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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