

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.120 of 2018

In

Civil Writ Jurisdiction Case No.8593 of 2014

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Rubita Kumari, W/o Sri Jayanand Prasad, R/o Bitho Sharif, Post- Bitho Sharif, Bitho, P.S.- Chandauti, District- Gaya ... Appellant

Versus

1. Kamni Kaushal, W/o Sri Deepak Kumar, Resident of Village- Bitho Sharif, Post- Bitho Sharif, Bitho, P.S.- Chandauti, District- Gaya.
 2. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
 3. The Director, Integrated Child Development Service (I.C.D.S.), Directorate Social Welfare Department, Government of Bihar, Patna.
 4. The Deputy Director (Welfare) Magadh Division, Gaya.
 5. The Commissioner, Gaya.
 6. The District Programme Officer, Gaya.
 7. The Child Development Programme Officer, Gaya Rural, Gaya
- ... Respondents
- =====

Appearance :

For the Appellant : Mr. Manisha Singh, Adv.

For the Respondents : Mr. Gyan Prakash Ojha, GA VII

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 10-04-2018

I.A. No. 536 of 2018

Delay of 47 days in filing the memorandum of appeal is condoned.

As the writ petition, in question, was allowed which ultimately had the effect of annulling the appointment of the present appellant, Rubita Kumari, as in the writ petition the appellant, herein, not impleaded as party and the entire impugned judgment passed in the writ petition on 03.11.2017, has adverse effect to the appellant, was passed behind the back



of the present appellant, on this ground alone this memo of appeal is liable to be allowed.

The writ petition is restored to it's original file.

Accordingly, we allow this memorandum of appeal, quash the judgment, dated 03.11.2017, passed in C.W.J.C. No. 8593 of 2014 and direct respondent, Smt. Kamni Kaushal, the original writ petitioner, to implead the present appellant, Rubita Kumari, as respondent to the writ petition and the writ petition be disposed off after hearing afresh in accordance with law.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Shamshad/-

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