

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 4828 of 2015

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Anita Kumari W/o Sunil Kumar Shah, Resident of village- Rupauli, Ward No. -9,
P.O.- Shiwra, P.S.- Shahpur Patori, Distt.- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Divisional Commissioner, Darbhanga Division, Darbhanga.
3. District Magistrate, Samastipur.
4. Distt.- Programme Officer, Samastipur
5. Child Development Project Officer, Samastipur
6. Sub Divisional Officer, Patori, Samastipur
7. Sub Divisional Officer, Dalsingh Sarai, Samastipur
8. Block Development Officer, Dalsingh Sarai Block, District Samastipur
9. Sarita Kumari, wife of Sri Suman Kumar Resident of village- Rupauli, Ward No. -10, P.O.- Shiwra, P.S.- Shahpur Patori, Distt.- Samastipur.

.... Respondent/s

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For the Petitioner/s	:	Ms Mahasweta Chatterjee, Advocate
For the State	:	Mr Umesh Narayan Dubey, AC to GP XXVII
For Respondent No 9	:	Mr Lakshendra Kr Yadav, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 27-08-2018

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

2 During pendency of the writ petition, it is pointed out by the learned counsel for the petitioner that the challenge to the selection of respondent No 9 has been rejected under order dated 12.08.2016.

3 Learned counsel for the State has raised an objection regarding the prayer made in IA No 4426 of 2018 seeking to challenge the order dated 12.08.2016 being barred by alternative remedy. It is submitted that the petitioner was required to challenge



the said order before the District Magistrate who is the competent authority now.

4 In view of the limited submission made by the learned counsel for the State, this Court would allow liberty to the petitioner to file an appeal against the order passed in Case No 44 of 2015-2016 on 12.08.2016, before the District Magistrate, Samastipur.

5 Since the objection regarding existence of alternative remedy has been taken by the learned counsel for the State, this Court would observe that the time consumed in the instant writ petition shall not be held against the petitioner. The petitioner would be entitled to consideration of her claim on merit by the appellate forum. Such liberty is available to the petitioner provided she files her appeal within a period of four weeks from today.

6 The writ petition is disposed of.

7 If the appeal is filed within the time-frame then the Authority would be obliged to consider the same in accordance with law expeditiously.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.08.2018
Transmission Date	NA

