

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.317 of 2018

IN

Civil Writ Jurisdiction Case No. 15693 of 2013

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Niraj Kumari wife of Sunil Kumar resident of Ward No. 10, Village - Balwara, P.O.
- Hasanpur, Mathiya, Block - Barauli, District - Gopalganj.

.... Appellant/s

Versus

1. The State of Bihar.
2. The District Magistrate, Gopalganj.
3. The Child Development Project Officer, Barauli, District - Gopalganj.
4. Kusum Kumari wife of Bikash Kumar resident of village - Calava, Block & P.S. - Barauli, District - Gopalganj.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shashi Bhushan Kumar, Advocate

For the Respondent/s : Mr. Gyan Prakash ojha- GA7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 16-04-2018

Having heard learned counsel for the parties, the delay of 112 days in filing of the appeal is condoned. I.A. No.1775 of 2018 is allowed and disposed of.

Having heard learned counsel for the parties, we find that the learned Writ Court has allowed C.W.J.C. No.15693 of 2013 without notice to the petitioner, without hearing the petitioner and in fact the petitioner was not even made a party whereas the petitioner was working on the post in question and the order passed by the Writ Court has adversely affected her with regard to the working in



question and that being so, in our considered view the petitioner was a necessary party and the order was passed behind the back of the petitioner without hearing her adversely affecting her continuity of service, has to be held unsustainable and, therefore alone interference is required to be made in the matter as the order passed by the learned Writ Court behind the back of the appellant is in violation of the principles of natural justice.

Keeping in view the above, without entering into the rival claims of the appellant and the private respondent Smt. Kusum Kumari on merit, we allow this appeal and quash the order dated 13.10.2017 passed by the Writ Court in C.W.J.C. No.15693 of 2013 and restore the writ petition to its original file.

We direct that the petitioner to be impleaded as respondent no.4 and the writ petition be heard in accordance with law.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
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