

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3431 of 2017**

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1. Lalita Kumari @ Lalita Devi, W/o Manoj Kumar Rai, R/o Village-  
Ahiyari Mirjapur, P.S.- Jalley, District- Darbhanga.

.... .... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Bihar, Patna.
2. The Commissioner Darbhanga Commissioner, Darbhanga.
3. The District Magistrate, Darbhanga.
4. The District Programme Officer, Darbhanga.
5. The Chief Development Programme Officer, Jalley, Darbhanga.
6. Suman Devi, W/o Prakash Khatway Ward Member Ahiyari Mirjapur,  
Jalley, District- Darbhanga.
7. Priyanka Kumari, W/o Bagesh Kishore Yadav, Ahiyari Mirjapur, P.S.-  
Jalley, District- Darbhanga.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Shiva Shankar Sharma

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

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      28-03-2018              The learned counsel for the petitioner has referred to the appellate order passed by the respondent no. 2 which is dated 31.08.2016 and has submitted that the said appeal has been dismissed merely on the ground of delay of about 50 days. It is submitted that though the reasons for delay have been mentioned in the petition filed for condonation of delay but the same has not been considered appropriately by the respondent no. 2. It is further submitted by the learned counsel for the petitioner that the right to livelihood mentioned under Article 21 of the Constitution of India is seriously affected as far as the petitioner herein is concerned by



the order under appeal dated 06.02.2015 since the petitioner has been precluded from being appointed to the post of Aanganbari Sevika, hence it was required on the part of the respondent no. 2 to consider the appeal on merits.

In view of the facts and circumstances of the case, as well as upon rejection of the appeal by the respondent no. 2 vide order dated 31.08.2016, I am of the view that it would have been appropriate that the respondent no. 2 would have decided the appeal on merit instead of wasting time in the matter of appeal being time barred. Therefore, this Court is left with no option but to quash the order dated 31.08.2016 passed by the respondent no. 2 and remit the matter back to the respondent no. 2 to consider the appeal on merits and dispose of the same by a reasoned and speaking order within a period of four weeks from today.

The writ petition is allowed.

**(Mohit Kumar Shah, J)**

S.Sb/-

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