

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1545 of 2017

In

Civil Writ Jurisdiction Case No.13867 of 2015

Manju Devi @ Manju Kumari W/o Sri Nageshwar Rai, resident of Village-
Manikpur Musharnia, P.S. Parihar, District Sitamarhi,

... .. Petitioner-Appellant

Versus

1. The State of Bihar
2. The Principal Secretary, Welfare Department, Govt. of Bihar, Patna
3. The Director, Integrated Child Development Scheme(I.C.D.S.), Bihar,
Patna
4. District Magistrate, Sitamarhi
5. District Progra
mme Officer, Sitmarhi
6. The Child Development Project Officer, Parihar, District Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vinod Kumar

For the Respondent/s : Mr. Kaushal Kumar Jha, AAG-8

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

**HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

4 25-08-2018

Re: I.A. No. 4146 of 2018

This interlocutory application has been filed for
condonation of delay of 02 years and 29 days in filing the
the appeal.

Having heard the learned counsel for the
appellant and considering the reasons assigned in the
interlocutory application, the delay of 02 years and 29
days in filing the appeal is condoned.

I.A. No. 4146 of 2018 is allowed.



Re: LPA No. 1545 of 2017

This intra-Court appeal arises from an order passed by a learned Single Judge in CWJC No. 13867 of 2015 permitting the appellant-writ petitioner to withdraw the writ petition.

Apparently, the order would not constitute a judgment for maintaining an intra-Court appeal. Appreciating this position, it is the submission of Mr. Vinod Kumar that the writ petition was withdrawn by learned counsel appearing at that stage, without any instruction from the appellant writ-petitioner and since a second writ petition on self-same facts would operate as a res judicata that the appellant-writ petitioner had no other option but to move an appeal.

We have considered the submission of the learned counsel for the appellant-writ petitioner and there may be reason in possession of the appellant-writ petitioner to question the withdrawal by her counsel but then in such case, the remedy would lie before the court concerned and not before an appellate court because in the circumstances noted, no infirmity is found in the order of withdrawal passed by the learned Single Judge.



We thus allow permission to the appellant-writ petitioner to avail of the forum available to her but in the circumstances noted, we refrain from interfering with the order impugned.

The appeal is disposed of with such observation.

(Jyoti Saran, J)

(Chakradhari Sharan Singh, J)

HR/-

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