

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6973 of 2015

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Devanand Son of Late Laxmikant. Resident of village - Mojahida, P.O. P.S.- Parwatta, District - Khagaria, presently posted as Panchayat Secretary, Block - Beldaur, District - Khagaria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Divisional Commissioner, Munger.
3. The District Magistrate, Khagaria.
4. The Sub-Divisional Officer, Khagaria.
5. The Block Development Officer, Khagaria.
6. The Block Development Officer, Beldaur, District - Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra
For the Respondent/s : Mr.SC2- Nawal Kishore Singh

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 23-04-2019

Heard counsel for the petitioner and counsel for the respondents.

Short submission raised by counsel for the petitioner is regarding non-consideration of Service Appeal no.12 of 2014 by the Commissioner, Munger Division. The order of the Commissioner annexure 7 is dated 17.1.2015. After taking note of three allegations levelled against the petitioner, Commissioner has rejected appeal of the petitioner by most cryptic and non-speaking order which reads as follows:

“इस आदेश में कोई गलती प्रतीत नहीं होती है। अतः जिला पदाधिकारी , खगड़िया के आदेश को



सम्पुष्ट किया जाता है एवं मूल अभिलेख जिला
पदाधिकारी, खगड़िया को वापस भेजा जाता है।”

Bare perusal of order of the Commissioner, Munger
Division shows that same suffers from non-application of mind.

There is no consideration of the appeal whatsoever.
Importance of assigning reason has been emphasized time and
again by the court. Such an order by an appellate authority without
any reason whatsoever reduces the forum of the appeal to an
empty forum. The Apex Court in the case of Kranti Associates
Private Limited and another vs. Masood Ahmed Khan and others
reported in (2010) 9 Supreme Court Case page 496 has held
requirement of assigning reason.

In that view of the matter, order dated 17.1.2015 passed
in Service Appeal no. 12 of 2014 by the Commissioner, Munger
Division is quashed and the matter is remitted to the Appellate
Authority to pass reasoned and speaking order on the appeal of the
petitioner showing consideration of the same expeditiously and
without any undue delay, preferably within six months.

Writ petition is disposed off with the aforesaid
observations.

(Madhuresh Prasad, J)

s.hassan/-

AFR/NAFR	NAFR
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