

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 6717 of 2015

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Sima Kumari wife of Sunil Kumar Yadav Resident of Village- Rahimpur
Madhya, P.S.- Khagaria, District- Khagaria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Integrated Child Development Scheme (ICDS), Bihar, Patna
3. The Divisional Commissioner, Munger Division, Munger
4. The District Magistrate, Khagaria
5. The District Programme Officer, Khagaria.
6. The Child Development Project Officer, Khagaria
7. Jyoti Devi wife of Sanjay Yadav, Ex- Mukhia, Gram Panchayat Raj Rahimpur
Madhya, P.S. and District- Khagaria, At Present Resident of Village- Morkahi,
P.O.- Durgapur, P.S.- Mufassil, District- Khagaria.

... .. Respondent/s

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For the Petitioner/s	:	Mr Sanjeev Kumar, Advocate
For the Respondent/s	:	Mr Ram Shankar Prasad, GP XIV

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 29-01-2019

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

2 Petitioner has challenged the order of the Divisional
Commissioner, Munger dated 27.12.2014. It is submitted by the
learned counsel that the petitioner's Service Appeal No 26 of 2013
has been rejected by the Commissioner without going into the
merits of the same. The learned counsel for the petitioner has
submitted that non-consideration of the appeal on merit and
rejecting the same by an unreasoned and unconsidered order dated
27.12.2014 is illegal.

3 The respondents have appeared in this matter and
filed a counter affidavit. From the counter affidavit, it is apparent



that after filing the appeal, the same was dismissed for want of prosecution as the petitioner did not participate in the proceeding. On 22.02.2014, the same was restored. After 22.02.2014, the Commissioner adjourned the matter to enable the petitioner to appear on 15.11.2014, 06.12.2014 and 27.12.2014. On all the dates, the petitioner/appellant was absent. Accordingly, the Commissioner has rejected the appeal of the petitioner due to non-appearance of the petitioner repeatedly as is stated in the counter affidavit.

4 The said facts have not been denied or disputed as there is no rejoinder or reply to the counter affidavit. This Court would observe that if the petitioner, having filed the appeal, has chosen not to participate in the appeal, there is no occasion for this Court to interfere with the order dated 27.12.2014. The developments in between rejection of appeal on 27.12.2014 and today have not been placed on record by the learned counsel for the petitioner in relation to the selection of Angan Bari Sevika for the Center in question.

5 Writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.01.2019
Transmission Date	NA

