

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13369 of 2014

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Jaya Kumari wife of Shri Shyam Kishore Rai of village- Aetwarpur Sisaula,
Ward No. 13, P.S.- Lalganj, District- Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors Social Welfare, Bihar, Patna
2. The Commissioner T.D. Muzaffarpur, Vaishali
3. The District Collector, Vaishali, Hajipur
4. The District Programme Officer, Vaishali
5. The Child Development Project Officer, Prakhand Lalganj, District- Vaishali
6. The Panchayat Secretary, Gram Panchayat Raj Aetwarpur Sisaula, Prakhand Lalganj, District- Vaishali
7. The Mukhiya, Gram Panchayat Raj Aetwarpur Sisaula, Prakhand Lalganj, District- Vaishali
8. Runa Kumari, wife of Arbind Kumar of village- Aetwarpur Sisaula, Prakhand and P.S.- Lalganj, District- Vaishali

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pratik Kumar Sinha
For the Respondent/s : Mr.Sc11- Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 16-07-2019 Heard counsel for the petitioner and counsel for the
respondents-State.

Petitioner's claim is for selection as Anganbari sevika for center no. 140 under ward no. 13, Panchayat Raj Aetwarpur, Sisaula in the district of Vaishali. Petitioner being first empanelled candidate, has not been selected. Issue travelled to the court of Commissioner in Service Appeal no. 408/2012. Service Appeal no. 408/2012 has been dismissed by the court of Commissioner on account of non-appearance of counsel for the petitioner.

Counsel for the petitioner has brought on record entire



order sheet of the court of Commissioner and submits that manner in which proceeding was being conducted, gave rise to situation where petitioner was not aware of correct date. Whenever petitioner went to appear, she was informed that different dates had been fixed. On account of communication gap, Service Appeal no. 408/2012 has resulted in rejection for non-appearance of counsel for the petitioner.

Having regard to the aforesaid submissions, this court considers it appropriate that the petitioner would appear before the court of Commissioner, Muzaffarpur on 05.08.2019. Commissioner should proceed to consider Service Appeal on merits and dispose it of in accordance with law by reasoned and speaking order after hearing the party concerned. Appeal should be disposed of expeditiously and without undue delay.

Writ petition stands disposed of.

Since matter is being sent for consideration earlier order dismissing appeal for non-appearance shall not stand in the way of consideration of the appeal on merit in terms of the order passed by this court.

(Madhuresh Prasad, J)

s.hassan/-

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