IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.311 of 2018
In
Civil Writ Jurisdiction Case No.197 of 2015

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Pinki Kumari, wife of Sri Girendra Jha, resident of Village- Nikashi, Police Station- then Singhwara and now Kamtaul, District- Darbhanga

... ... Petitioner -Appellant

Versus

1. The State Of Bihar through the Principal Secretary, Department of Social Welfare.
2. The Principal Secretary, Department of Social Welfare, Govt. of Bihar, New Secretariat, Patna.
3. The District Magistrate, Darbhanga.
4. The District Programme Officer, Darbhanga.
5. The Child Development Project Officer, Singhwara, Darbhanga.
6. Smt. Nishi Kumari, wife of Late- Mritunjay Jha, Resident of Village- Nikashi, P.S. - Kamtaul, District- Darbhanga.

... ... Respondents

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Appearance :
For the Petitioner – Appellant : Sri Shailendra Kumar Jha, Advocate
For the Respondents : Shri Gyan Prakash Ojha (GA-7)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAKESH KUMAR)

4 24-07-2019 At the very outset, Shri Shailendra Kumar Jha, learned counsel for the appellant in presence of Shri Gyan Prakash Ojha, learned Government Advocate No. 7 requests for disposal of the present appeal with direction to the authority concerned to decide the claim of wages of the appellant within specified time.

The appeal has been preferred against the order of

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learned Single Judge.

It was pleaded by learned counsel for the appellant that in the writ petition two reliefs were sought. One of the reliefs was pertaining to claim of wages of the writ petitioner. However, the writ petition was rejected only on first ground i.e. regarding dispute of appointment of petitioner as Anganwari Sevika. Earlier, a Co-ordinate Bench of this Court had not entertained the appeal in respect of first order i.e. claim of appointment / selection as Anganwari Sevika but time was granted to learned State Counsel to obtain instruction and file counter affidavit regarding the second claim i.e. claim of wages. The submission made by learned counsel for the appellant for disposal of the appeal even in absence of counter affidavit was not opposed by Sri Gyan Prakash Ojha, learned Government Advocate 7.

Accordingly, with the consent of both the parties, the present appeal stands disposed of with a direction to the respondents concerned to consider the claim of the appellant regarding his due wages and decide the same within a period of two months from the date of receipt / production of a copy of this order. If the authority concerned considers the claim of the appellant as genuine, in that event, order of payment must be

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passed within aforesaid time. Even in case of refusal of claim of appellant, the authority concerned is required to pass a reasoned order and communicate the same to the appellant within two weeks after expiry of two months.

The appeal stands disposed of.

(Rakesh Kumar, J)

(Anjani Kumar Sharan, J)

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