

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1866 of 2017

In
Civil Writ Jurisdiction Case No.20821 of 2014

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1. The State Of Bihar through its Principal Secretary to the Government, PHED, Bihar, Patna Bisheshwasraiya Bhavan, Bailey Road, Patna
 2. The Chief Engineer, (Mechanical), P.H.E.D., Bihar, Patna, Bisheshwaraiya Bhavan, Bailey Road, Patna.
 3. The Superintending Engineer, P.H.E.Circle, Purnia, District katihar.
 4. The Executive Engineer, P.H.E. Division, Katihar. District Katihar.

... .. Appellants

Versus

1. Most. Siro Devi wife of late Ram Kailash Mahato, resident of village Bari Nagar, Ashram Tola, Ward No.-8, Post Office- Guru Bazar, Police Station- Barari, District- Katihar.
2. The Accountant General, Bihar, Veerchand Patel Marg, Patna.

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. Pushkar Narain Shahi, AAG6
		Mr. Sanjeet Kumar Singh, AC to AAG6
For the Respondent/s	:	Mr. Lalan Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

5 01-04-2019

Re: I.A.No. 9485/2017

This interlocutory application is filed for condonation of delay of 143 days in filing the appeal.

We have heard Mr. P.N.Shahi, learned AAG-6 appearing on behalf of the appellants, who makes a prayer for condonation of delay as well as Mr. Lalan Kumar Singh, learned counsel appearing for the respondent- writ petitioner in



opposition thereof.

Having heard learned counsel for the parties and having perused the reasons assigned by the State to make such prayer, we are satisfied with the reasons so assigned to condone the delay of 143 days in filing the appeal, which is accordingly condoned.

I.A.No. 9485/2017 is allowed.

Re: L.P.A.No. 1866/2017

This appeal arises from the judgment and order of a learned Single Judge dated 1.7.2017 passed in C.W.J.C.No. 20821/2014, whereby the writ petition has been allowed taking note of the judgment of a learned Single Judge in C.W.J.C.No. 19135/2013 (**Asha Devi v. State of Bihar & ors.**), which judgment rested on the opinion of the Division Bench rendered in the case of **State of Bihar & ors. v. Sheela Devi & ors.**, reported in 2013(4) PLJR 552. It is noted that the judgment of **Asha Devi** (supra) was confirmed by the Division Bench in L.P.A.No. 839/2015 and has been affirmed until the Supreme Court when the S.L.P. preferred by the State of Bihar in S.L.P. (Civil) Diary No. 20642/2018 was dismissed on 27.8.2018.

The situation has changed even further as the issue which engages this Court in this appeal, again came up for



consideration before the Full Bench of this Court in the case of **Mobina Khatoon v. State of Bihar & ors.**, since reported in 2019 (2) BLJ 9 to confirm the position expressed by the learned Single Judge.

In such view of the matter and in view of the Full Bench opinion of this Court in the case of **Mobina Khatoon** (supra), we find no merit in this appeal, which is dismissed accordingly.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Surendra/-

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