

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1216 of 2018

In

Civil Writ Jurisdiction Case No.16424 of 2014

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Bhirgu Nath Upadhyay, Son of Ram Nath Upadhyay Resident of village P.O.
- Semrahiaw G.P. Amwari Old Salimpur Police Station - Marhowrah District -
Saran at Chapra.

... .. Appellant/s

Versus

1. The State of Bihar through the Secretary, Food and Civil Supply
Department, Government of Bihar, Patna.
2. The Commissioner Saran at Chapra.
3. The District Magistrate, Saran at Chapra.
4. The District Supply-cum-Marketing Officer District - Saran.
5. The Sub Divisional Officer, Marhowrah, District - Saran.
6. The Circle Officer under Block - Marhowrah, District - Saran.
7. The Marketing Officer under Block Marhowrah, District - Saran.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Shambhu Prasad Yadav

For the Respondent/s : Mr.Manish Dhari Singh, AC to AG.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 03-02-2020 Office objection is overruled.

With the consent of the parties, appeal is taken up for
hearing.

Appellant has prayed for the following relief:



“To set aside the order dated 24.07.2018 passed by the learned single Judge in CWJC No. 16424 of 2014.”

Having perused the record as also the submissions made across the bar, we are inclined to allow the appeal for the reasons set out in the grounds as also orally explained. The cause of the non-appearance of the writ petitioner/appellant herein in the proceedings, pending before the District Magistrate, Saran at Chapra, in Supply Appeal No. 46 of 2013, is *bona fide* and for the reasons beyond his control.

As such, we set aside the impugned order dated 24.07.2018 passed in CWJC No. 16424 of 2014, titled as *Bhirgu Nath Upadhyay vs. The State of Bihar & Ors.*, as also order dated 05.12.2013 passed in Supply Appeal No. 46 of 2013, pending before the District Magistrate, Saran at Chapra. The parties are directed to appear before the appellate authority i.e. District Magistrate, Saran at Chapra, on 03.03.2020 at 10:30 A.M.

Further, the appellate authority is directed to decide the appeal on its own merit expeditiously and preferably within a period of six months thereafter.

The appellant as also the respondents undertake to fully co-operate and not take any unnecessary adjournment in



the proceedings.

It is clarified that we have not expressed any opinion
on the merits of the case.

(Sanjay Karol, CJ)

(Mohit Kumar Shah, J)

sujit/-

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