

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No. 1362 of 2018

In

Civil Writ Jurisdiction Case No.9449 of 2016

Vinita Kumari, wife of Rana Pratap Singh, Resident of Belahi Khurd, P.S- Sahiyara, Dist- Sitamarhi. Appellant/s

Versus

1.The State of Bihar through the collector, Sitamarhi
2.The Collector, Sitamarhi.
3.The District Programme Officer, Sitamarhi.
4.The Child Development Project Officer, Bathnaha, Sitamarhi
5.Rita Devi, Wife of Samodh Sah, Resident of Village- Belahi Khurd, P.S. - Sahiyara, Dist- Sitamarhi. Respondent/s

Appearance :

For the Appellant/s : Mr.Akhileshwar Singh, Advocate
Mr. Krishna Kant Singh, Advocate
For the Respondent/s : Mr.Pushkar Narayan Shahi-AAG-6
For the State : Mr. Manish Kumar AC to AAG-6

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

5 05-02-2020 Heard learned counsel appearing for the appellant as well as learned counsel appearing for the state.

2.This appeal can be disposed of on admission stage itself without issuance of notice to respondent No. 5 because this order is not going to affect the right of respondent No. 5.

3.The appellant is aggrieved by order dated 20.08.2018 passed by learned Single Judge in CWJC No. 9449 of 2016 by which and where under he dismissed the writ petition filed on behalf of the appellant holding that since the District Magistrate has already got inquired into the grievance of the appellant, no occasion arises for directing a second



inquiry on the same issue.

4.Learned counsel appearing for the appellant submits that the appellant applied for Anganbari Sevika for Belahi Khurd Anganbari Centre No. 9, Moudah Panchayat, Ward No. 1 in the district of Sitamarhi but the mapping register was not prepared properly as the status of majority class of the aforesaid region was not shown properly. Learned counsel for the appellant further submits that the appellant filed a complaint before the District Magistrate, Sitamarhi. Thereafter, District Magistrate, Sitamarhi got inquired the allegation through concerned Child Development Project Officer (CDPO) but the District Magistrate did not pass any final order on the complaint of the appellant. Learned counsel for the appellant further submits that the learned Single Judge under misconception passed the impugned order holding that the inquiry has already been completed.

5.Learned counsel for the appellant further submits that this appeal may be disposed of with direction to District Magistrate, Sitamarhi or other concerned authority to pass final order on the complaint of the appellant.

6.In view of the aforesaid facts as well as submissions, this appeal stands disposed of with direction to



respondent No. 2, the collector, Sitamarhi/appropriate authority to pass final order on the complaint of appellant within 30 days from the date of receipt/production of a copy of this order, if the final order on the complaint of the appellant has not been passed as yet.

7.However, it is made clear that this order as well as order of learned Single Judge shall not cause any prejudice to concerned authorities at the time of passing final order, if any, on the complaint of the appellant.

(Hemant Kumar Srivastava, J)

(Prabhat Kumar Singh, J)

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