

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21610 of 2014

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Mala Kumari Wife of Shri Vinay Kumar Yadav Resident of Village - Mahamuda, Gram Panchayat - Rohar Mahamooda, Block - Biraul, Police Station - Biraul, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Director, Integrated Child Development Scheme, Welfare Department Government of Bihar, Patna.
3. The Divisional Commissioner, Darbhanga.
4. The District Magistrate, Darbhanga.
5. District Welfare Officer, Darbhanga.
6. The District Programme Officer, Darbhanga.
7. The Block Development Officer, Biraul, District Darbhanga. null null
8. The Child Development Project Officer, Biraul, District - Darbhanga.
9. Mukhia, Gram Panchayat Raj, Rohar Mahamuda, Block- Biraul, District - Darbhanga.
10. Kamani Kumari Wife of Shri Arjun Yadav Resident of Village - Mahamuda, Block - Biraul, Police Station - Biraul, District - Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Alok Kumar, Adv. With Mr. Pranav Kumar, Adv.
For the Respondent/s	:	Mr. Kumar Pankaj, AC to SC-5.

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA
ORAL ORDER

2 12-12-2022

1. Heard the parties.

2. Learned counsel for the petitioner submits that this

Court vide its order dated 16.01.2014 disposed of the writ petition filed by the petitioner granting liberty to avail the remedy under the guidelines of filing of an appeal before the Commissioner. The petitioner preferred an appeal before the



Commissioner, who passed a laconic order stating that the appeal has been filed belatedly.

3. I have considered the submissions.

4. The order passed by the Commissioner deserves to be noticed. In view of the High Court, *“the petitioner had to file an appeal within one month, which has not been done. Hence dismissed”*.

5. On perusal of the order passed by this Court dated 16.01.2014, this Court finds that there is no such direction that the appeal should be filed within one month. It appears that the guidelines laid down for filing of an appeal provided a period of one month to file an appeal. However, the Commissioner was required to see the aspect with regard to the pendency of the writ petition before the High Court. The order is wholly laconic, does not want give reasons and is a sheer attempt to avoid the performing of duty as provided under these guidelines.

6. Learned counsel for the State has no objection if this case be remanded back to the present Commissioner to decide the present appeal on merit.

7. Granting liberty, it is now directed that the Commissioner shall take up the case efficiently and decide the appeal by passing a speaking order by giving opportunity to



both the parties.

8. The writ petition stands disposed of accordingly.

9. The appeal shall be decided positively within a
period of two months.

(Sanjeev Prakash Sharma, J)

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