

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6672 of 2023

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Pramila Devi Wife of Rajesh Mahto Resident of Village- Gamhariya, Post
Office- Belsandi, Police Station- Gaunaha, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Bihar, Patna.
2. The Under Secretary, Lokayukta Office, Bihar, Patna.
3. The Director, I.C.D.S. Directorate, Social Welfare Department, Bihar, Patna.
4. The Special Officer, I.C.D.S. Directorate, Social Welfare Department, Bihar, Patna.
5. The Divisional Commissioner, Tirhut Division, Muzaffarpur, Bihar.
6. The Deputy Director, (Welfare), Social Welfare Department, Tirhut Division, Muzaffarpur, Bihar.
7. The District Magistrate, West Champaran, Bettiah.
8. The Additional Collector, (Departmental Inquiry), West Champaran, Bettiah.
9. The D.P.O., I.C.D.S., West Champaran, Bettiah.
10. The Block Development Officer, Gaunaha Block, West Champaran.
11. The Child Development Project Officer, Gaunaha Block, West Champaran.
12. The Lady Supervisor, I.C.D.S., Gaunaha Block, West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prashant Kumar, Adv.
For the Respondent/s : Ms.Kumari Amrita, GP- 3

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-11-2023 1. The present writ petition has been filed seeking the
following relief(s):-

“1.(i) For issuance of a writ in the nature of Certiorari or any other appropriate writ/writs, order/orders, direction/directions for quashing the order dated 25.03.2020 passed by learned D.P.O., I.C.D.S, West Champaran, Bettiah, vide Memo No. 56/I.C.D.S. dated 25.03.2020, whereby and where under the services of the petitioner has been



terminated without asking show cause/ explanation as well as without giving opportunity of hearing. and further for quashing order dated 18.01.2023 passed by the Commissioner, Tirhut Division, Muzaffarpur in I.C.D.S. Appeal No. 75/2022, whereby the appeal filed by petitioner in pursuance of order dated 17.01.2022 passed by Hon'ble Patna High Court in C.W.J.C. No. 1302/2021 has been dismissed as "Not maintainable".

(ii) For issuance of a writ in the nature of Mandamus or any other appropriate writ, order/orders directing the Respondents to reinstate the petitioner on her post and pay all consequential benefits as per law.”

2. At the outset, the learned counsel for the petitioner has submitted that this Court, by an order dated 17.01.2022, passed in a writ petition filed by the petitioner, i.e. C.W.J.C. No.1302 of 2021, had granted liberty to the petitioner to file statutory appeal, as provided for under the guidelines, against the order dated 25.03.2020, passed by the District Programme Officer, West Champaran at Bettiah and the Appellate Authority was directed to consider the same, in accordance with law and dispose off the same, in pursuance whereof, the petitioner had filed an appeal before the learned Commissioner, Tirhut Division, Muzaffarpur, which was registered as I.C.D.S. Appeal



Case No.75 of 2022, however, the learned Commissioner, Tirhut Division, Muzaffarpur, by an order dated 18.01.2023, has disposed off the appeal filed by the petitioner by holding that since he is the Revisional Authority, the appeal is not maintainable before him.

3. In view of the aforesaid, the learned counsel for the petitioner submits that the petitioner be permitted to file an appeal before the District Magistrate, Bettiah, however, it be observed that the aforesaid order dated 18.01.2023, would not prejudice the case of the petitioner.

4. The learned counsel for the respondent-State submits that in case appeal is filed before the District Magistrate, Bettiah, the same would definitely be considered in accordance with law and a reasoned and a speaking order shall be passed thereon within a fixed time frame, as directed by this Court.

5. Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose off the present writ petitioner with liberty to the petitioner to file appropriate appeal, within a period of four weeks, from today, before the District Magistrate, Bettiah and in case such an appeal is filed, the District Magistrate, Bettiah, shall considered the same on merits



and pass a reasoned and a speaking order, in accordance with
law, within a period of eight weeks, thereafter.

(Mohit Kumar Shah, J)

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