

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7112 of 2023

1. Suman Kumar Son of Rameshwar Singh, resident of B 4/90, Behind Sanjay Cinema, near Devi Lodge, Brahmapura, M.I.T. P.S. M.I.T., Town and Distt. - Muzaffarpur (Bihar).
2. Binod Kumar, Son of Ram Bhajan Rai, resident of Chandil Post and Panchayat - Chandil, P.S. - Chandil, High School Road, Saraikela, Distt. - Kharsawan (Jharkhand).
3. Vijay Shankar Prasad, Son of Lakshmikant Yadav, resident of Milkichak, P.S. - Chhaparar, Distt. - Dharbhanga (Bihar).
4. Chandra Kishor Choudhary @ Chandra Kishor Prasad, Son of Ramshray Choudhary, resident of Afjala Kheva Tola Biraul, P.S. - Biraul, Distt. - Dharbhanga (Bihar).
5. Rajesh Kumar @ Rajesh Kumar Rai, Son of Kishnadev Manjhi, resident of Ward no. - 12, P.S. - Chaturbhuj Piprahi, Distt. - Madhubani (Bihar).
6. Praween Kumar Das, Son of Singheshwar Das, resident of Ward no. - 2, Village- Chandan Patti Naya Tola, Post - Sara Mohanpur, Keoti ranway P.S. Sara Mohanpur, Distt. - Dharbhanga (Bihar).
7. Onkar Krishna, Son of Maheshwar Ram, Resident of Ward no. - 10, Gwalpara, P.S.- Dobha, Distt. - Purnea (Bihar).
8. Mukesh Kumar, Son of Bal Krishna Mandal, resident of Ward No. - 2, Gorgama Gurgawan, P.S. - Phulparas, Distt. - Madhubani (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Govt. of Bihar, Patna.
2. The Collector of the District (D.M.) Madhubani.
3. The Commissioner, MNREGA, Department of Rural Development, Govt. of Bihar (BRDS), Bihar, Patna.
4. The Appellate Authority, MNREGA, through its President, Department of Rural Development, (BRDS) Govt. of Bihar, Patna.
5. The President of MNREGA, Department of Rural Development, (BRDS) Govt. of Bihar, Patna.
6. The Deputy Development Commissioner (D.D.C.) Cum Additional District Programme Officer, Madhubani.
7. The Lokpal, MNREGA, District Rural Development Agency (DRDA), Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shashi Nath Jha, Advocate
For the State	:	Mr.Vikash Kumar (Sc 11)
		Mr.Dhirdyuti Kr. Verma, AC to SC-11



CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-11-2023 1. Though the present writ petition has been filed for quashing the order dated 25.10.2022, passed by the learned Lokpal MNREGA, whereby and whereunder the petitioners have been directed to deposit certain amount, failing which departmental proceeding would be initiated as also for setting aside the appellate order dated 28.02.2023, passed in Appeal No.45 of 2022, passed by the learned Appellate Authority, whereby and whereunder the appeal filed by the petitioners has been dismissed on the ground of being time barred, however, the learned counsel for the petitioner has confined his challenge to the appellate order dated 28.02.2023, on the ground that interest of justice demands that the appeal filed by the petitioners should be heard on merits.

2. The learned counsel for the petitioners has submitted that though the impugned order was passed by the original authority i.e. the Lokpal MNREGA on 25.10.2022, however, the appeal could be filed only on 15.12.2022, on account of the petitioners having come to know about the said order dated 25.10.2022, belatedly. Thus it is submitted that there being meager delay in filing the appeal, the same may be ignored/condoned and the appellate authority be directed to



consider the appeal of the petitioners on merits.

3. The learned counsel for the respondents/intervenor (Md. Irshad Azam), have though opposed the present writ petition but are not averse to the idea that the appellate authority may decide the appeal on merits.

4. Having regard to the facts and circumstances of the case, this Court finds that in the interest of justice and considering the equities, it would be appropriate that the matter is remanded back to the appellate authority to decide the Appeal of the petitioners on merits, hence the appellate order dated 28.02.2023, passed in Appeal Case No.45 of 2022 is quashed, however the matter is remanded back to the appellate authority, who is directed to consider the Appeal on its own merit and pass a reasoned and a speaking order, in accordance with law, within a period of six weeks of receipt/production of a copy of this order.

5. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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