

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14459 of 2021

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Manoj Kumar Ram S/o Late Dinanath Ram, Resident of Village-Ijari,
Salempur, P.S. Ara Muffasil, District Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The State of Bihar through the Principal Secretary, Schedule Caste and Schedule Tribe Welfare Department, Govt. of Bihar, Patna.
3. The Joint Secretary, Schedule Caste and Schedule Tribe Welfare Department, Govt. of Bihar, Patna.
4. The District Magistrate, Buxar.
5. The District Welfare Officer, Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjeeb Kumar Sanju, Adv. Mr.Sunil Kumar, Adv.
For the Respondent/s	:	Mr.S.K. Mandal (SC-3)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-01-2024

Reg: Interlocutory Application No.01 of 2023

1. The present I.A. has been filed seeking amendment of the writ petition and now the petitioner prays for quashing of the appellate order dated 01.12.2021.

2. I.A. No.01 of 2023, being formal in nature is not opposed, hence is allowed.

3. The Registry is directed to add the prayer made in paragraph no.1 of the present application to the prayer portion of the main writ petition.

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4. At the outset, the learned counsel for the petitioner



has confined the relief sought for in the present writ petition to assailing the appellate order dated 01.12.2021, whereby and whereunder the appeal filed by the petitioner has been dismissed on the ground of being time barred.

5. The learned counsel for the petitioner has submitted that on account of the prevailing Covid-19 pandemic situation, the petitioner could not file in time, the appeal against the order of punishment dated 12.06.2018, passed by the Joint Secretary to the Government, Schedule Caste and Schedule Tribe Welfare Department, Government of Bihar, Patna, thus, a sympathetic view be taken and the matter be remanded back to the Appellate Authority for re-consideration on merits, especially in view of the fact that the petitioner has a good case on merits.

6. The learned counsel for the respondent-State submits that in case this Court deems it fit and proper to remand the matter back to the Appellate Authority, the appeal, filed by the petitioner shall be considered on merits.

7. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and in the interest of justice as also considering the equities prevailing in the present case, I deem it fit and proper to quash the appellate order dated 01.12.2021, passed by



the Joint Secretary to the Government, Schedule Caste and Schedule Tribe Welfare Department, Government of Bihar, Patna and remand the matter back to the Appellate Authority for re-consideration of the appeal on merits.

8. At this juncture, the learned counsel for the petitioner submits that the petitioner be granted liberty to file supplementary affidavit/submissions in the aforesaid appeal, before the Appellate Authority, within a period of two weeks from today and the Appellate Authority be directed to consider the same as well. It is directed accordingly.

9. It is needless to state that the Appellate Authority shall be obliged to consider the appeal filed by the petitioner on merits and in case any supplementary affidavit is filed, the same shall also be taken into consideration by the Appellate Authority, whereafter a reasoned and a speaking order shall be passed, in accordance with law, within a period of six weeks of receipt/production of a copy of this order.

10. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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