

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12823 of 2018

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Babita Kumari W/o Shiv Kumar Azad, resident of Village- Kakan, P.S. and District Jamui.

... .. Petitioner/s

Versus

1. The State Of Bihar through Child Development Project Officer, Jamui.
2. Director, ICDS, Dept. of Welfare, Govt. of Bihar, Patna.
3. District Magistrate and Collector, Jamui.
4. District Program Officer, Jamui.
5. Child Development Project Officer, Jamui.
6. Madhumala Kumari, W/o Sarvan Kumar, resident of Village- Kakan P.S. and District- Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhat Ranjan Singh, Adv.
For the State	:	Mr. Rajesh Kumar (AC to GP-3)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 05-08-2024 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ petition has been filed for setting aside the order dated 04.04.2018 in Anganbari Appeal Case No.2 of 2016 passed by the District Magistrate, Jamui (annexed as Annexure-1/1) and also order dated 09.07.2015 contained in Memo No.607 in Case No.46 of 2013-14 passed by the District Programme Officer, Jamui (annexed as Annexure-1).

3. Learned counsel for the petitioner submits that the appellate order has not been passed on merit, rather, it has been dismissed only due to the reason that proper representation could not be made and on technical ground due to absence of the appellant's counsel, the appeal has been dismissed.



4. Learned counsel for the State submits that from the order passed by the District Magistrate, Jamui, it transpires that the said order has not been passed on merit and in absence of the appellant's counsel and as such, matter may be remanded back.

5. In this view of the matter, the order dated 04.04.2018 in Anganbari Appeal Case No.2 of 2016 (annexed as Annexure-1/1) passed by the District Magistrate and Collector, Jamui (respondent no.3) is hereby set aside.

6. It is hereby directed to the Appellate Authority (District Magistrate, Jamui) to pass a reasoned and speaking order on merit within 90 days from the date of production of this order of remand. It is made clear that if, the petitioner again started avoiding her appearance in the appeal, then in that case, the District Magistrate, Jamui is free to pass order within the specified period.

7. Accordingly, with the aforesaid direction, the present writ petition stands disposed off.

(Dr. Anshuman, J)

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