

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16346 of 2023

Ashok Kumar Son of Late Bilashi Ram, resident of Village-Ekauna Chandmari, Ward No. 26, P.O.-Motihari, P.s. Motihari Town, District East Champaran, Motihari, presently posted as Revenue Karmachari, Anchal-Bankatwa, East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Reforms Department, Patna, Bihar.
2. The Principal Secretary, Urban Development Depart. Patna, Bihar.
3. The Commissioner, Tirhut Division, Muzaffarpur.
4. The District Magistrate, East Champaran, Motihari.
5. Additional Collector, East Champaran, Motihari.
6. Sub-Divisional Officer, Areraj, E. Champaran, Motihari.
7. Anchal Adhikari, Harsidhi, East Champaran, Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajiv Ranjan Kr. Pandey, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (SC-25)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-04-2024 The present writ petition has been filed for quashing the order dated 08.08.2023 passed by the Commissioner, Tirhut Division, Muzaffarpur in Service Appeal No. 219 of 2003, whereby and whereunder the appeal filed by the petitioner has been rejected, being time barred.

2. The learned counsel for the petitioner has submitted that the order dated 08.04.2022 passed by the District Magistrate, East Champaran,



Motihari was sought to be challenged by the petitioner by filing an appeal before the Commissioner, Tirhut Division, Muzaffarpur, however, the Appeal could be filed only on 12.07.2023, after a delay of about one and a half years, nonetheless, the petitioner had filed a petition for condonation of delay in filing the appeal which has been annexed as Annexure-P/8 to the present writ petition, wherein it has been stated that the wife and the daughter of the petitioner were suffering from neurological and mental problem since the year 2020 and during the year 2022-23 the condition of the wife had worsened, leading to delay in filing the aforesaid appeal. It is submitted that the Commissioner, Tirhut Division, Muzaffarpur has not taken into consideration the aforesaid petition filed by the petitioner for condonation of delay, hence a sympathetic view be taken and the appeal be directed to be decided on merits.

3. *Per contra*, the learned counsel for the respondents submits that the aforesaid limitation



condonation petition filed by the petitioner was considered and the Commissioner, Tirhut Division, Muzaffarpur had not found any merit in the same, hence the appeal was dismissed being time barred.

4. I have heard the learned counsel for the parties and perused the materials on record, from which it is apparent that at least the petitioner had furnished some cogent reason for filing the appeal after the limitation period had expired, hence this Court is of the view that in the interest of justice and considering the equities, it would be appropriate that the Commissioner, Tirhut Division, Muzaffarpur considers the service appeal filed by the petitioner on merits, inasmuch as the order dated 08.04.2022 passed by the District Magistrate, East Champaran inflicting punishment upon the petitioner has a civil as well as a financial consequence, which would adversely affect the petitioner, hence I deem it fit and proper to quash the order dated 08.08.2023 passed by the Commissioner, Tirhut Division, Muzaffarpur and direct him to consider the appeal filed by the



petitioner on merits and pass a reasoned and a speaking order within a period of six weeks of receipt/production of a copy of this order.

5. The writ petition stands allowed.

(Mohit Kumar Shah, J)

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