

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.364 of 2022

In
Civil Writ Jurisdiction Case No.2036 of 2021

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Mainka Kumari @ Menka Kumari, Wife of Sri Chandan Kumar Shah,
Resident of Jitwarpur Kumihara, Ward No. 4, Police Station-Sarairanjan,
District-Samastipur.

... .. Appellant.

Versus

1. The State of Bihar through its Principal Secretary, Social Welfare Department, Bihar, Patna.
2. The Director, I.C.D.S. Directorate, Bihar, Patna.
3. The District Magistrate, Samastipur.
4. The District Programme Officer, Samastipur.
5. The Child Development Project Officer, Sarairanjan, Samastipur.
6. Mala Kumari, Wife of Dharmendra Kumar, Resident of Jitwarpur Kumihara, Ward No. 4, Police Station-Sarairanjan, District-Samastipur.

... .. Respondents.

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Appearance :

For the Appellant : Mr. Kaushal Kumar, Advocate.
For the State : Mr. Gyan Prakash Ojha (GA-7).

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 21-02-2025

The appellant has assailed the order of the learned
Single Judge dated 21.06.2022 passed in C.W.J.C. No.2036 of
2021.

2. Short question for consideration before the learned
Single Judge was whether the appellant's memorandum of
appeal before the District Magistrate, Samastipur, was existing
or not?



3. Pursuant to earlier writ petition (C.W.J.C. No.11048 of 2019) and its disposal dated 18.12.2019, it is evident that the learned Single Judge proceeded to direct the District Magistrate, Samastipur, to decide the appellant's appeal dated 27.07.2018 within a maximum period of 60 days.

4. Thereafter, the appellant has presented C.W.J.C. No.2036 of 2021 in which sufficient time was granted to the appellant and it has not been utilized by the appellant insofar as production of original memorandum of appeal dated 27.07.2018 or any other cogent material to establish that he had filed memorandum of appeal before the District Magistrate, Samastipur. In the absence of such material, the learned Single Judge has proceeded to dismiss C.W.J.C. No.2036 of 2021 on 21.06.2022. Feeling aggrieved by the same, the appellant has filed the present L.P.A.

5. If any cogent material in support of presenting the memorandum of appeal before the District Magistrate, Samastipur, dated 27.07.2018 was available in that event appellant has a remedy of filing civil review to point out that certain materials were existing as on the date of deciding C.W.J.C. No.2036 of 2021 on 21.06.2022.

6. Be that as it may, even in the present L.P.A., the



appellant has not furnished any material information insofar as presentation of memorandum of appeal before the District Magistrate, Samastipur. Hence, no interference is warranted insofar as the order of the learned Single Judge dated 21.06.2022 passed in C.W.J.C. No.2036 of 2021.

7. Accordingly, the present L.P.A. stands dismissed.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.02.2025.
Transmission Date	NA

