

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11025 of 2022

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Arpana Devi Wife of Late Balmiki Kapri, resident of Village-Ballikitta, P.O.-
Kaushalpur, P.S.-Amarpur, District-Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land and Revenue Department, Government of Bihar, Patna.
2. The Commissioner, Bhagalpur Division, Bhagalpur.
3. The Secretary to Commissioner, Bhagalpur Division, Bhagalpur.
4. The Collector-cum-District Magistrate, Banka.
5. The Additional Collector, Banka.
6. The Sub-Divisional Officer, Banka.
7. The D.C.L.R. Land Reforms, Banka.
8. The Circle Officer, Dhoraiya Circle, Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar
For the Respondent/s : Mr. Sajid Salim Khan (SC25)

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL JUDGMENT

Date : 25-07-2025

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. This petition has been preferred by the petitioner
seeking following reliefs:

*(i) For issuance of writ in the
nature of certiorari for
quashing the Gyapank no. 684
establishment, Bhagalpur dated
03.06.2022 passed by the*



Commissioner, Bhagalpur Division, Bhagalpur in Misc. (Service) Appeal Case No. 02 of 2022-2023 whereby and whereunder the appeal of the petitioner has been dismissed on the ground of time barred.

(ii) For a direction to the respondent authorities to release the increments with all consequential benefits which has been stopped as per the direction of the Collector, Banka as a punishment.

(iii) For a direction to the respondent authorities to pay the full salary of the suspension period of the husband of the petitioner.

(iv) For any other relief/reliefs if petitioner found entitled in the facts and circumstances of the present case.

3. In the first round of litigation, the petitioner filed C.W.J.C. No. 6398 of 2020 (Annexure-8), which has been disposed of by the Co-ordinate Bench of this Court vide its order dated 17.12.2021. The following order has been passed by the Co-ordinate Bench of this Court:

Para-4. "Petitioner is at liberty to prefer an appeal before the appellate authority within a period



of eight weeks from today. On receipt of petitioner's memorandum of appeal, the appellate authority is hereby directed to decide the same within a period of three months from the date of receipt of petitioner's memorandum of appeal."

4. Pursuant to the said order dated 17.12.2021, the petitioner filed his appeal on 21.01.2022 before the Principal Secretary, Land Reforms & Revenue Department, Government of Bihar, Patna. Taking into provision of Rule 24(1)(ii) of Bihar Government Servant (CCA) Rules, 2005 vide order dated 05.04.2022, Annexure-9, the said appeal has been transferred to the Commissioner, Bhagalpur. Subsequently, the Commissioner, Bhagalpur vide impugned order dated 01.06.2022 dismissed the appeal on the ground of limitation.

5. The Hon'ble Supreme Court in Miscellaneous Application No. 21 of 2022, Annexure-12, dated 10.01.2022 while dealing with the period of limitation occurred due to COVID pandemic observed as under :

"In cases where the limitation would have expired during the period between 15.03.2020 till 28.02.2022, notwithstanding the actual balance period of limitation remaining, all persons



shall have a limitation period of 90 days from 01.03.2022. In the event the actual balance period of limitation remaining, with effect from 01.03.2022 is greater than 90 days, that longer period shall apply.”

6. Taking into consideration the fact that the order of punishment has been passed against the petitioner on 27.01.2020 and the appeal has been preferred by the petitioner pursuant to the order passed by the Co-ordinate Bench of this Court on 17.12.2021, the Appellate Authority as observed by the Hon’ble Supreme Court in Miscellaneous Application No. 21 of 2022 vide Annexure-12 (supra) ought to condone the delay of filing the appeal. However, the Appellate Authority did not consider this aspect and passed the impugned order only on the basis of limitation. Resultantly, this Court finds that the impugned order dated 01.06.2022 is liable to be set aside.

7. Accordingly, the order dated 01.06.2022 passed by the Commissioner, Bhagalpur is, hereby, set aside. The matter is remitted back to the concerned Commissioner to decide the appeal in accordance with relevant rules and law condoning the delay in filing of the said appeal. The concerned commissioner is also directed to decide the appeal as early as possible probably within 90 days from the date of



receipt/production of a copy of this order in accordance with relevant rules and law.

8. Accordingly, the writ petition is disposed of.

(Arvind Singh Chandel , J)

shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.07.2025
Transmission Date	NA

