

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.519 of 2015

In

Civil Writ Jurisdiction Case No. 14350 of 2006

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Yogendra Sharma S/o Late Siyasaran Singh, Resident of Village Balipakar,
P.S. Paliganj, District Patna, at present posted as Account Clerk in Tube
Well Division, Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Minor Irrigation Department, Govt. of Bihar, Patna.
3. Deputy Secretary, Minor Irrigation Department, Govt. of Bihar, Patna.
4. Chief Engineer (South), Tube Well Department, Patna.
5. Chief Engineer, Minor Irrigation Department, Patna.
6. Superintendent Engineer, Tube Well Circle, Patna.
7. Executive Engineer, Tube Well Patna West Division, Patna.
8. Executive Engineer, Tube Well, Ara, Bhojpur.
9. Executive Engineer, Tube Well, Bihta, Patna.

... Opp. Party/s

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Appearance :

For the Petitioner/s : Mr. Aditya Narayan Singh-1
For the Opp.Party/s : Mr. Anjani Kumar, AAG-6

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 08-04-2015 Heard the parties.

The present application has been filed on behalf of the petitioner seeking restoration of C.W.J.C. No. 14350 of 2006, which stood dismissed for want of prosecution by an order dated 24.11.2014.

The aforesaid writ petition was filed way back in the year 2006, but all the subsequent developments, which might have taken place during the interregnum period, have not been brought on the record by the petitioner. In that view of the matter, this Court is of the opinion that instead of restoring the aforesaid C.W.J.C. No. 14350 of 2006 to its original file, the interest of justice shall be sub-served if the petitioner is granted liberty to file a fresh writ petition, if cause of action still survives, in the same

subject matter after bringing on record all the subsequent developments, which might have taken place during the interregnum period. It is ordered accordingly.

If such a fresh writ petition is filed on behalf of the petitioner in the same subject matter within a period of six weeks from today, then the same shall be considered and decided on its own merit without being prejudiced/ influenced by the order dated 24.11.2014 passed in C.W.J.C. No. 14350 of 2006 and that shall not be dismissed on the ground of the principles of res judicata.

The present application stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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