

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2203 of 2014

In
Civil Writ Jurisdiction Case No. 2469 of 2014

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Daizi Singh, W/o Bipin Kumar Singh, Resident of Village - Dumariya,
P.O. Laxmipur, Chiraiya, P.S. Amarpur, District - Banka

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Social, Welfare Department, Govt. of Bihar, Patna
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna
3. The Director, Social Welfare Department Govt. of Bihar, Patna
4. The Divisional Commissioner, Bhagalpur, District - Bhagalpur
5. The District Magistrate, Banka, District - Banka
6. The District Programme Officer, Banka, District - Banka
7. The Child Development Project officer, Amarpur, District - Banka

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Respondent/s : Mr. Karandeep Kumar, AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 23-09-2015

Heard.

The present MJC application has been filed on behalf of the petitioner for restoration of CWJC No.2469 of 2014, which stood dismissed for want of prosecution by the order dated 16.06.2014.

In view of the nature of the claims raised on behalf of the petitioner in the main writ petition and the facts involved therein, this Court is of the opinion that, instead of restoring the main writ petition to its original file, interest of justice shall be sub-served, if the petitioner is granted liberty to file a fresh writ petition 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 within a period of one month from today with a certified copy of the present order, then the same shall be considered and decided on its own merit, without being prejudiced/influenced by the order dated 16.06.2014 passed in the aforesaid CWJC No.2469 of 2014 and the same shall not be dismissed on the ground of principles of res judicata.

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

(Birendra Prasad Verma, J)

Arvind/-

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