

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12069 of 2014

With
Interlocutory Application No. 529 of 2015

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Bittu son of Ashok Kumar resident Mahavir Lane, Ram Krishna Colony,
Bazar Samiti, Police Station - Bahadurpur, District - Patna

.... Petitioner/s

Versus

1. The Controller of Examination, Bihar Combined Entrance Competitive
Examination Board, I.A.S. Association Building, Near Patna Airport, P.S.
Airport, Patna

2. The Director, Bihar Combined Entrance Competitive Examination Board,
I.A.S. Association Building, Near Airport, District Patna

3. The Secretary, Bihar Combined Entrance Competitive Examination
Board, I.A.S. Association Building, Near Airport, District Patna

4. The Director, Indira Gandhi Institute of Medical Science, Sheikhpura,
Patna

5. Assistant Administrative officer, Indira Gandhi Institute of Medical
Science, Sheikhpura, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shiya Ram Shahi, Advocate
Mr. Manish Kumar No-2, Advocate

For the Respondent Nos. 1 to 3 : Mr. Vikas Kumar, Advocate

For the Respondent Nos. 4 & 5 : Mr. Sunil Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 22-01-2015

Heard the parties.

Originally, the petitioner filed the present writ petition assailing the validity and correctness of the order dated 11.01.2013 passed by the respondent no.5 whereby his admission in MBBS course at Indira Gandhi Institute of Medical Sciences, Sheikhpura, Patna was cancelled and consequential actions were recommended. Unfortunately, the impugned order dated 11.01.2013 was not brought on the record. Therefore, the petitioner filed I.A.No. 6822 of 2014 seeking amendment in the writ petition. The amendment sought for by the petitioner was allowed by this Bench by order dated 05.01.2015, but the aforesaid Interlocutory Application No. 6822 of 2014 finally stood

rejected on account of non-compliance of court's aforesaid order dated 05.01.2015. Now, a fresh Interlocutory Application no. 529 of 2015 has been filed on behalf of the petitioner seeking similar amendment in the writ petition.

From the facts noticed above, this Court finds that the petitioner did not file the comprehensive writ petition by bringing on record all the relevant materials and thereafter he has been filing Interlocutory Application after Interlocutory Application. In the considered opinion of this Court, the petitioner should have filed a comprehensive writ petition bringing on record all the relevant materials, so that the issues raised on his behalf could have been effectively decided by this Court.

In above view of the matter, learned counsel appearing on behalf of the petitioner, in presence of learned counsel appearing on behalf of the respondents, seeks permission to withdraw the present writ petition with a liberty to file a fresh comprehensive writ petition in the same subject matter after bringing on record all the relevant materials/documents.

Permission is accorded.

The writ petition stands finally disposed of as withdrawn with the liberty aforesaid.

It is clarified that if a fresh writ petition is filed in the same subject matter, the rejection of I.A.No. 6822 of 2014 on account of non-compliance of the court's order, shall not come in the way of the writ petitioner for seeking an appropriate relief.

(Birendra Prasad Verma, J)

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