

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4287 of 2014

In

Civil Writ Jurisdiction Case No. 13942 of 2006

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Umed Ali Madhya Vidyalay Ekraha, Anchal Singheshwar, District
Madhepura through its Secretary Md Salim, Son of late Umed Ali of
Village Ekraha, P.O. Chouraha, P.S. Shankarpur, District Madhepura

.... Petitioner/s

Versus

1. The State of Bihar
2. The Education Secretary, Primary and Secondary Education, New
Secretariat, Patna
3. The Director, Primary Education, Bihar, Patna
4. The District Superintendent of Education, Saharsa
5. The District Superintendent of Education, Madhepura

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Mukund

For the Respondent/s : Mr. Ajay Bihari Sinha, SC-19

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 11-03-2015 The present application has been filed for restoration of
CWJC No.13942 of 2006, which stood dismissed for want of
prosecution by the order dated 21.10.2014.

The aforesaid writ petition was filed on 17.11.2006 and
since then more than eight years have already been elapsed, but all
the subsequent developments, which might have taken place
during the interregnum period, have not been brought on record.
Therefore, in the considered opinion of this Court, instead of
restoring the aforesaid CWJC No.13942 of 2006 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 and,
after impleading all the necessary parties. It is ordered

accordingly.

If such a writ petition is filed on behalf of the petitioner within a period of two months from today, the same shall be heard and decided on its own merit, without being prejudiced or influenced by the order dated 21.10.2014 passed in the aforesaid CWJC No.13942 of 2006 and it shall not be dismissed on the ground of res judicata.

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

(Birendra Prasad Verma, J)

Arvind/-

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