

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Jurisdiction Case No.4777 of 2014**

**In**  
**Civil Writ Jurisdiction Case No. 6451 of 2014**

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Badri Mandal @ Badri Narayan Mandal, resident of village- Sujapur P.S.  
Baunsi, District- Banka.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industry, Government of Bihar, Patna.
2. The Director of Industry, Government of Bihar, Patna.
3. The Accountant General, Bihar, Patna.
4. Treasury Officer, Banka

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mrs. Pravina Kumari

For the Opposite Party/s : Mr. Nutan Sahay, AC to GA-5

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

2      25-03-2015                      Heard the parties.

The present application has been filed on behalf of the petitioner seeking restoration of C.W.J.C. No. 6451 of 2014, which stood dismissed for want of prosecution by an order dated 03.12.2014.

The aforesaid writ petition was filed on 31.03.2014 seeking direction to the respondent authorities for grant of A.C.P. and all consequential benefits with statutory interest as well as penal interest. This Court is of the opinion that instead of restoring the aforesaid C.W.J.C. No. 6451 of 2014 to its original file, the 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 in the same subject matter within a period of six months, then the same shall be heard and decided on its own merit without being prejudiced/ influenced by the order dated 03.12.2014 passed in C.W.J.C. No. 6451 of 2014 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)**

BTiwary/-

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