

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2735 of 2015

In
Civil Writ Jurisdiction Case No. 5840 of 2014

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Vimla Devi, W/o Sri Ramdeo Bhagat, Resident of Village- Mohinath Nagar,
P.S. Beldour, Dist- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Khagaria.
2. The Child Development Project Officer- Beldour, District Magistrate, Khagaria.
3. The Deputy Director Social Welfare, Bhagalpur Division, District- Bhagalpur.
4. The District Welfare Officer, Khagaria.
5. The Member of Selection Committee, Panchayat Mahinath Nagar, P.S Beldour, District- Khagaria.
6. Neeva Kumari W/o Randhir Kumar, Resident of Panchayat Mahinath Nagar, P.S Beldour, District- Khagaria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey
For the Opposite Party/s : None

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 02-12-2015 Heard the learned counsel for the petitioner. However, none appears on behalf of the opposite parties, though the name of the learned State counsel is printed in the daily cause list.

The present MJC application has been filed for restoration of CWJC No.5840 of 2014, which stood dismissed for want of prosecution by an order dated 18.11.2014.

Taking into consideration the nature of the grievances raised on behalf of the petitioner in the main writ petition and further taking into consideration that all the subsequent materials/developments, which might have taken place during the interregnum period, have not been brought on record, this Court is

of the opinion that, instead of restoring the aforesaid CWJC No.5840 of 2014 to its original file, interest of justice shall be subserved, 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 merits and shall not be dismissed on the ground of dismissal of the aforesaid CWJC No.5840 of 2014 for want of prosecution.

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

(Birendra Prasad Verma, J)

Arvind/-

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