

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1049 of 2015

In

Civil Writ Jurisdiction Case No. 11203 of 2014

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Sourabh Pandey son of Sri Sia Ram Pandey, resident of village- Bajhoul,
P.S. Babu Barhi, Via- Khajouli, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar,
Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The Director, Training and Research, Education Department, Government
of Bihar, Patna.
5. The Principal, Primary Teachers Training College, Narar, Madhubani.
6. The Secretary, Bihar School Examination Board, Patna.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opp.Party No.6 : Mrs. Binita Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 24-06-2015

Heard the parties.

The present MJC application filed on behalf of the petitioner for restoration of CWJC No. 11203 of 2014 seems to be completely misconceived and untenable. In fact, the aforesaid writ petition stood dismissed as against the respondent no.5 on account of non-compliance of the court's peremptory order dated 14.07.2014. Thereafter, by order dated 08.01.2015, whole writ petition was dismissed as it had become incompetent. Hence, there is no question of restoration of aforesaid CWJC No. 11203 of 2014.

Admittedly, the aforesaid CWJC No. 11203 of 2014 was not dismissed on merit, rather it was dismissed on the ground of technical defect. In above view of the matter, this Court is of the considered opinion that the interest of justice shall be

subservied if the petitioner is granted liberty to file a fresh writ petition in the same subject matter. It is ordered accordingly.

If such a writ petition is filed on behalf of the petitioner within a period of two months from today with a certified copy of the present order, the same shall be considered and decided on its own merit and shall not be dismissed on the ground of res judicata in view of dismissal of CWJC No. 11203 of 2014 by order dated 08.01.2015.

The present MJC application stands dismissed with the observations and directions made above.

(Birendra Prasad Verma, J)

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