

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.878 of 2015

In

Civil Writ Jurisdiction Case No. 6552 of 2014

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Birjoo Kumar Paswan, son of Surendra Paswan, Resident of village-
Belmohan, P.S- Phulparas, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary Home Department,
Bihar, Patna,
2. The D.G.P, Bihar Military Police, Bihar, Patna,
3. The I.G, Bihar Military Police, Bihar, Patna,
4. The D.I.G. Bihar Military Police- 06 Muzaffarpur,
5. The Commandant, Bihar Military Police- 06 Muzaffarpur,
6. The S.S.P, Madhubani,
7. The Conduction Officer Ist, Bihar Military Police-15,
8. The Conducting Officer 2nd, Bihar Military Police-15,
9. The Officer-In-Charge, Madhepura Police Station, Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Jha

For the Respondent/s : Mr. Mritunjay Jha, AC to SC-3

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 01-07-2015

MJC No.878 of 2015

The present MJC application has been filed for
restoration of CWJC No.6552 of 2014, which stood dismissed for
want of prosecution by the order dated 08.12.2014.

After having heard the parties and for the reasons
disclosed in the present MJC application, the prayer for restoration
is allowed. CWJC No.6552 of 2014 is restored to its original file.

The present MJC application stands allowed.

CWJC No.6552 of 2014

With the consent of the parties, the present writ petition
is being taken up for consideration on merits.

The petitioner has filed the present writ petition under

Article 226 of the Constitution of India assailing the validity and correctness of the order dated 12.02.2014 (Annexure-6), whereby, on the basis of the findings recorded in the disciplinary proceeding, the petitioner has been dismissed from service by the respondent no.5, the disciplinary authority.

Admittedly, the order impugned is appealable before the prescribed appellate authority.

In above view of the matter, after some argument, learned counsel appearing on behalf of the petitioner seeks permission to withdraw the present writ petition with a liberty to file an appeal before the prescribed appellate authority.

Permission is accorded.

If such an appeal is filed on behalf of the petitioner within a period of four weeks 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 limitation.

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

(Birendra Prasad Verma, J)

Arvind/-

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