

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.C.C. NO. 788 OF 2015

1. Principal, Raj Kumar College, G.E. Road, Tahsil and District - Raipur, Raipur (C.G.)
2. Management Committee, through its Chairman, Raj Kumar College, G.E. Road, Tahsil and District - Raipur, Raipur (C.G.)

... Applicants

Versus

1. Dr. Anil Khakhariya, son of Shri Premji Bhai Khakhariya, aged about 50 years,
2. Smt. Nanda Khakhariya, wife of Dr. Anil Khakhariya, aged about 42 years,
Both residents of C-80/2, Devendra Nagar, Police Station, Tahsil and Revenue District Raipur, Raipur (C.G.)
3. State of Chhattisgarh, through the Secretary, Chhattisgarh School Education Department, Mahanadi Bhawan, Naya Raipur, District Raipur (C.G.)
4. District Education Officer, Tahsil and District Raipur, Raipur (C.G.)
5. Collector, Raipur, Tahsil and District Raipur, Raipur (C.G.)
6. Chhattisgarh State Commission for Protection of Child Rights, through its Secretary, Tahsil and District Raipur (C.G.)
7. Indian Council of Secondary Education, through its Chairman, CISCE, Pragati House, 3rd Floor, 47-48, Nehru Place, New Delhi.

... Respondents

For Applicants : Mr. Amrito Das, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order on Board

Per NAVIN SINHA, C.J.

28/09/2015

1. Writ Appeal No. 494 of 2014 stood dismissed for non-compliance of peremptory order. M.C.C. No. 446 of 2015 was allowed again subject to compliance of the peremptory order in Writ Appeal No. 494 of 2014 within a specified period, failing which the restoration application would be deemed to have been dismissed. Compliance was done in part only.

2. Learned Counsel for the Applicants submits that subsequently the only remaining defect has also been cured by filing the application for condonation of delay which however inadvertently was after the time specified in M.C.C. No. 446 of 2015. The time period for compliance granted by order dated 15.6.2015 in M.C.C. No. 446 of 2015 may be extended.

3. We have considered the submissions.

4. If the time fixed for compliance of the order dated 15.6.2015 had already lapsed before the application to condone delay in preferring Writ Appeal No. 494 of 2014 was filed, we find it difficult to extend the time limit for compliance of the order dated 15.6.2015. The appropriate remedy for the Applicants would be to file an application for restoration of M.C.C. No. 446 of 2015 on the ground that the defect in Writ Appeal No. 494 of 2014 has substantially been complied with by filing an application for condonation of delay which would then be considered on its own merits.

5. The M.C.C. stands disposed with the aforesaid observations.

Sd/-
(Navin Sinha)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge