

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2107 of 2015

In

Civil Writ Jurisdiction Case No. 3763 of 2010

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M/s Health Care and Medical Research Organization through its General Secretary Mr. Mukesh Kumar, S/o Late Deena Nath Sharma having its office at Hari Om Nagar, Near B.R. Ambedkar Dental College, Ram Jaipal Road, P.S. Danapur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Bhagalpur.
3. The Civil Surgeon cum Member Secretary, District Health Society, Bhagalpur.
4. Incharge Medical Officer, Sadar Hospital, Bhagalpur.
5. Incharge Medical Officer, Primary Health Centre Bihpur, Bhagalpur.
6. The Deputy Superintendent Sub-Divisional Hospital, Naugachia, Bhagalpur.

.... Opp. Party/s

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Appearance :

For the Petitioner/s : Mr. Niraj Kumar, Adv.

For the Opp. Party/s : Mr. Sanjay Kumar, AC to G.A. 13

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 21-09-2016 Heard the parties.

The petitioner has filed the present M.J.C. application for restoration of C.W.J.C. No. 3763 of 2010, which stood dismissed for want of prosecution by an order dated 11.2.2015.

The aforesaid writ petition was filed on 3.3.2010 and since then more than six years have elapsed, but all the subsequent developments, which might have taken place during the interregnum period, have not been brought on the record.

In above view of the matter, this Court is of the opinion that instead of restoring the aforesaid writ petition 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 two months from today with a certified copy of the present order, then the same shall be considered and decided on its own merit without being prejudiced/ influenced by the order dated 11.2.2015 passed in C.W.J.C. No. 3763 of 2010 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)

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