

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2352 of 2016

In

Civil Writ Jurisdiction Case No. 14203 of 2014

=====

Rubaida Khatoon W/o Md. Nasiruddin Ansari, R/O Kajichak, P.O.+P.S.-
Rafiganj, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
2. The Director, Integrated Child Development Scheme Directorate, Bihar, Patna.
3. The Commissioner, Magadh Division, Gaya.
4. The District Magistrate, Aurangabad.
5. The District Programme Officer, Aurangabad.
6. The Deputy Director Welfare, Magadh Division, Gaya.
7. The Child Development Project Officer, Rafiganj, Aurangabad.
8. The Assistant Director, Integrated Child Development Scheme Directorate, Bihar, Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Singh, Adv.

For the Opposite Party/s : Mr. Naman Nayak, AC to AAG-X

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 19-10-2016 Heard the parties.

The present M.J.C. application has been filed on behalf of the petitioner for restoration of C.W.J.C. No. 14203 of 2014, which stood dismissed on account of non-compliance of the Court's peremptory order dated 21.8.2014.

The aforesaid C.W.J.C. No. 14203 of 2014 was filed on 19.8.2014 and since then more than two years have already 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 C.W.J.C. No. 14203 of 2014

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 after impleading all the necessary parties 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 dismissal of the aforesaid C.W.J.C. No. 14203 of 2014 on account of non-compliance of the Court's peremptory dated 21.8.2014 and that shall not be dismissed on the ground of the principles of res judicata.

The present M.J.C. application stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

BTiwary/-

U			
---	--	--	--