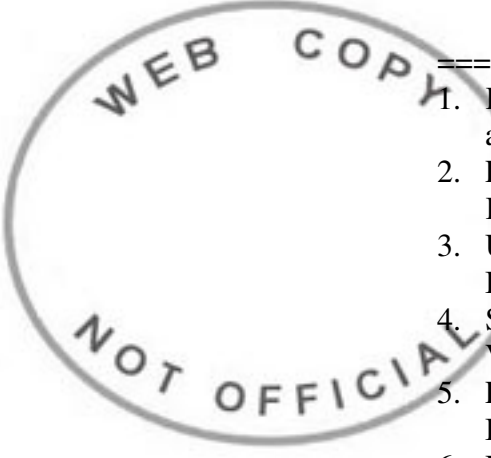


IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1617 of 2016

In

Civil Writ Jurisdiction Case No. 14976 of 2006

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1. Kishori Prasad Singh son of Swaroop Prasad Singh, resident of Village and P.O. Sukki, P.S.Khajauli, District Madhubani
 2. Ram Bharosh Das son of Sri Munar Das, resident of Village and P.O. Kasamarar, P.S.Khajauli, District Madhubani
 3. Upendra Yadav son of Late Jagdeo Yadav, resident of Village and P.O. Basuarah, P.S.Madhubani, District Madhubani
 4. Shyam Sundar Singh son of Mahendra Narayan Singh, resident of Village and P.O. Dumani, District Madhubani
 5. Pitambar Yadav son of Gauri Yadav, resident of Village and P.O. Biraul, P.S.Khajauli, District Madhubani
 6. Hukum Deo Prasad son of Visheshwr Yadv, resident of Village and P.O. Akahara, P.S.Khajauli, District Madhubani
 7. Rajeshwar Prasad Sing son of Sri Baldeo Singh, resident of Village Salkhaniya, P.S.Madhubani, District Madhubani
 8. Shiv Kumar Singh son of Shri Mahabir Singh, resident of Village Thegaha, Post-P.S..Khajauli, District Madhubani
 9. Amarnath Thakur son of Mahesh Thakur, resident of Village Sarave, P.O. and P.S. Khajauli, District Madhubani
 10. Siyaram Kumar son of shri Raghubir Sahu, resident of Village Lakshmipur P.O. Dataur, P.S.Khajauli, District Madhubani
 11. Bijendra Lal Das son of Late Surya Narayan Lal, resident of Village and P.O. Raghapur Balat Via Rampatti, P.S.Rajnagar, District Madhubani
 12. Lalit Kumar Sah son of Vishwanath Sah, resident of Village and P.O. Kasmarar, P.S.Khajauli, District Madhubani
 13. Md.Safique son of Late Yasin, resident of Village and P.O. Dataur, P.S.Khajauli, District Madhubani
 14. Raj Kumar Thakur son of Chandrashekhar Thakur, resident of Village and P.O. Dataur, P.S.Khajauli, District Madhubani
 15. Deepak Kumar Singh son of Sri Kameshwar Singh, resident of Village and P.O. Dataur, P.S.Khajauli, District Madhubani
 16. Dharendra Yadav son of Sri Ram Narayan Yadav, resident of Village and P.O. Thengaha, P.S.Khajauli, District Madhubani
 17. Bilat Yadav son of Mahabir Yadav, resident of Village Lakshmipur, P.O. Dataur, P.S.Khajauli, District Madhubani
 18. Kaushal Kishore Kunwar son of Sri Manager Kunwar, resident of Village Dhadha, Post Palimohan, P.S.Khajauli, District Madhubani
 19. Rajlal Das son of Sri Jaldhari Das, resident of Village and P.O. Raghani Dehat, P.S.Rajnagar, District Madhubani
 20. Suresh Kumar Yadav son of Sri Raj Narayan Yadav, resident of Village and P.O. Korahiya Via Jaynagar, District Madhubani
 21. Lakshman Sahu son of Shri Baun Sahu, resident of Village Bela Kothi, P.S.Khajauli, District Madhubani
 22. Kripa Kant Yadav son of Sri Munnar Yadav, resident of Village Chaparahi (Dakshin) P.O. Kuah Via Jainagar, District Madhubani
 23. Kishori Prasad Sah son of Sri Vishwanath Sah, resident of Village and P.O. Kashamarar, Via Khajauli, District Madhubani

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24. Satya Narayan Yadav son of Sri Nathuni Yadav, resident of Village and P.O. Ekadara, P.S.Khajauli, District Madhubani
 25. Anjanai Kumar Pandey son of Sri Ram Chandra pandey, resident of Village Kajiaqyana, P.O. Basuara, P.S. Madhubani, District Madhubani
 26. Vijay Kumar Thakur son of Late Jaggnath Thakur, resident of Village Lalpur, P.O. Basuara, P.S.Visphi, District Madhubani
 27. Deo Narayan Yadav son of Sri Janak Lal Yadav, resident of Village and P.O. Korahiya, Khajauli, Via Jainagar, District Madhubani
 28. Ram Gulam Yadav son of Jibachh Yadav, resident of Village and P.O. Kasmarar, P.S.Bholbagh, District Madhubani
 29. Ram Prakash Sah son of Deoki Sah, resident of Village and P.O. Kasmarar, P.S.Khajauli, District Madhubani
 30. Baidyanath Sah son of Bahgwati Sah, resident of Village and P.O. Kasmarar, P.S.Khajauli, District Madhubani

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna
2. The Commissioner, Darbhanga Division, Darbhanga
3. District Magistrate, Madhubani
4. Deputy Collector, Incharge Establishment, Madhubani
5. Deputy Collector, Incharge Nazarat, Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
Mr. Anant Kumar Bhaskar, Advocate
For the Respondent/s : Mr. Maruth Nath Roy, AC to SC 4

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 31-08-2016 Though the present matter has been listed under the heading “For Orders (On Office Notes)” for consideration of defect no.5 pointed out by the stamp reporter, however, on the request of the learned counsel appearing on behalf of the parties, the present matter is taken up for consideration on merits.

The present MJC application has been filed for restoration of CWJC No. 14976 of 2006 which stood dismissed for want of prosecution by order dated 16.12.2014.

The aforesaid writ petition was filed on behalf of 32 petitioners seeking a direction to the respondents to include their names in the panel for appointment on Class IV posts in the district of Madhubani.

The learned counsel appearing on behalf of the petitioners has fairly submitted that, after filing of the aforesaid writ petition, further developments have taken place during the interregnum period and some of the petitioners also died during the pendency of the aforesaid writ petition, but all those developments have not been brought on the record and therefore, defect no.5 has been pointed out by the stamp reporter.

Taking into consideration the entire factual matrices of the present MJC application as also the averments made in the writ petition, this Court is of the opinion that in stead of restoring aforesaid CWJC No. 14976 of 2006 to its original file, the interest of justice shall be subserved if the petitioners are granted liberty to file a fresh writ petition in the same subject matter, after bringing on record all the subsequent developments, which have/might have taken place during the interregnum period, if cause of action survives. It is ordered accordingly.

If such a fresh writ petition is filed on behalf of the petitioners within a period of one month from today with a certified copy of the present order, then the same shall be considered and decided on its own merit in accordance with law, but without being prejudiced/influenced by dismissal of aforesaid CWJC No. 14976 of 2006 by order dated 16.12.2014.

The present MJC application stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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