

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4469 of 2014

In
Civil Writ Jurisdiction Case No. 970 of 2014

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Chunchun Mandal S/o Late Kallar Mandal, resident of Village Jitarpur, P.O. Mahisadih, P.S. Banka, District Banka.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Personnel and Administrative Reforms Department, Govt. of Bihar, Patna.
3. The Deputy Secretary, Personnel AND Administrative Reforms Department, Govt. of Bihar, Patna.
4. The Principal Secretary, Building Construction Department, Vishwaeriya Bhawan, Patna.
5. The Chief Engineer, Building Construction Department, Vishwaeriya Bhawan, Patna.
6. The Superintending Engineer, Building Construction Department, Bhagalpur.
7. The Executive Engineer, Building Construction Department, Building Division, Banka.
8. The Assistance Engineer, Building Sub Divisional, Banka.
9. The Junior Engineer, Building Sub Divisional, Banka.
10. Mangal Pandit S/o Name not known to the petitioner Class IV employee (Anusevak) in Building Division, Banka through the Assistant Engineer, Building Sub Divisional.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar, Advocate

For the Opp.Party Nos. 1 to 9 : Mr. Manoj Kumar, AC to SC 13

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 10-02-2016

Heard the parties.

The present MJC application has been filed on behalf of the petitioner for restoration of CWJC No. 970 of 2014, which stood dismissed for want of prosecution by order dated 11.08.2014.

The aforesaid writ petition was filed on 10.01.2014 and since then more than two years have elapsed, but all the subsequent developments, which might have taken place during the interregnum period, have not been brought on record.

In above view of the matter, this Court is of the opinion that, instead of restoring the aforesaid CWJC No. 970 of 2014 to its original file, the interest of justice shall be subserved 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 writ petition is filed on behalf of the petitioner within a period of one month from today, then the same shall be considered and decided on its own merits without being prejudiced by dismissal of CWJC No. 970 of 2014 for want of prosecution by order dated 11.08.2014.

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

(Birendra Prasad Verma, J)

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