

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2798 of 2015

In

Civil Writ Jurisdiction Case No. 9067 of 2010

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Sudhir Kumar son of Sri Gaya Prasad Singh, resident of Saket vihar, M.M. Colony Anisabad, P. S Gardanibagh, in the town and District Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Health Govt. of Bihar, Patna.
2. The Executive Director, State Health Society , Parivar Kalyan Bhagwan, Sheikhpura Patna
3. The Incharge Maleriya / Fialariya Division, State Health Society Govt. of Bihar.
4. The Civil Surgeon, Banka.
5. The Civil Surgeon, Begusarai
6. The Civil Surgeon, Bettiah
7. The Civil Surgeon, Bhagalpur
8. The Civil Surgeon, Darbhanga.
9. The Civil Surgeon, Jehanabad.
10. The Civil Surgeon, Jamui
11. The Civil Surgeon, Kaimur
12. The Civil Surgeon, Katihar
13. The Civil Surgeon, Lakhisarai
14. The Civil Surgeon, Madhepura
15. The Civil Surgeon, Madhubani
16. The Civil Surgeon, Motihari
17. The Civil Surgeon, Munger
18. The Civil Surgeon, Muzaffarpur.
19. The Civil Surgeon, Saharsa
20. The Civil Surgeon, Saran
21. The Civil Surgeon, Sadaram
22. The Civil Surgeon, Sheikhpura
23. The Civil Surgeon, Sheohar
24. The Civil Surgeon, Sitamarhi
25. The Civil Surgeon, Siwan
26. The Civil Surgeon, Supual

.... Opposite Parties/s

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Appearance :

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

For the Opp. Parties/s : Mr. Biresh Kumar Sinha, AC to AAG 2

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 18-05-2016

Heard the parties.

The present MJC application has been filed on behalf

of the petitioner seeking restoration of CWJC No. 9067 of 2010 which stood dismissed for want of prosecution by order dated 13.03.2015 passed by this Bench.

The aforesaid CWJC No. 9067 of 2010 was filed on 19.05.2010 and since then six years have elapsed, but all the subsequent developments which have/might have taken place during the interregnum period have not been brought on the record which is evident from the counter affidavit filed in the aforesaid CWJC No. 9067 of 2010.

In above view of the matter, this Court is of the opinion that, instead of restoring the aforesaid CWJC No. 9067 of 2010 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 have/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, then the same shall be considered and decided on its own merit in accordance with law without being prejudiced by dismissal of CWJC No. 9067 of 2010 and that writ petition shall not be dismissed on the ground of principle of res judicata.

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

(Birendra Prasad Verma, J)

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