

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.C.C No. 402 of 2016**

Smt. Pushp Lata Netam W/o Late Shri Prabhu Lal Netam, Aged About 30 Years R/o Ravindranath Tagore, Ward No. 12, Shiv Mandir Road, Thana Kotwali, Jagdalpur, Bastar (Chhattisgarh)

---- Applicant**Versus**

1. State Of Chhattisgarh Through The Secretary, School Education Department, D. K. S. Bhawan, Now Mahanadi Bhawan, New Raipur (Chhattisgarh) P. S. Rakhi
2. District Education Officer, District Jagdalpur (Chhattisgarh)

----Non-Applicants

For Applicant:	Shri Ajay Shrivastava, Advocate.
For Non-Applicants/State:	Shri Anupam Dubey, Dy. Govt. Advocate.

Single Bench: **Hon'ble Shri P. Sam Koshy, J**
Order On Board

17.6.2016

1. Heard on IA No.1/2016 for condonation of delay in filing the MCC.
2. Learned Counsel for the Applicant submits that Writ Petition i.e. W.P. (S) No. 2081/2011 got dismissed because of the peremptory order passed by this Court on 1.5.2015. He further submits that the default as pointed out by the registry in the said Writ Petition could not be cured because of the non-availability of the relevant records at the relevant point of time and which subsequently, he says that he has now obtained under the Right to Information Act and after obtaining the same, he has now filed the instant MCC for restoration of the Writ Petition.
3. On due consideration of the reasons assigned in the said application, the same is allowed. Delay of 296 days in filing the MCC stands condoned.

4. Also heard on merits.

5. Taking into consideration the facts and circumstances of the case and also considering the submissions made by Learned Counsel for the Applicant seeking condonation of delay in filing the MCC, since sufficient cause has been explained for not being able to remove the default, the instant MCC is allowed and Writ Petition (S) No.2081/2011 is restored to its original number subject to the Applicant's curing the default as pointed out by the registry in the said Writ Petition within a period of 15 days from today.

Sd/-
(P. Sam Koshy)
JUDGE

Priya