

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCC No. 880 of 2016**

1. Kalawati Gupta W/o Late Shri Mudrika Prasad Gupta, aged about 37 years, R/o Bajarpara, Baikunthpur, District- Korea, Chhattisgarh

**---- Applicant**

**Versus**

1. State of Chhattisgarh through the Secretary, Department of School Education DKS Bhawan Raipur, District Raipur, Chhattisgarh, (Now Mahanandi Bhavan, Naya Raipur, Chhattisgarh)
2. District Collector, District- Korea, Chhattisgarh
3. District Education Officer, Baikunthpur, District- Korea, Chhattisgarh
4. Principal, Govt. Model Girls Higher Secondary School, Baikunthpur, District- Korea, Chhattisgarh

**---- Respondents**

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For Applicant – Mr. Atanu Ghosh, Advocate.

For Respondents – Ms. Shobha Kashyap, Deputy Govt. Advocate, on advance notice.

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**Hon'ble Shri Justice Chandra Bhushan Bajpai**

**Order on Board**

**29-11-2016**

1. Heard on I.A.No.1/2016 for condonation of delay as the instant MAC has been preferred after 1095 days of its limitation.
2. Learned counsel for the applicant would submit that the applicant was not communicated with the order dated 08-10-2013 though this fact is not mentioned in I.A.No.1/2016 and the MCC. Learned counsel would further add that on the basis of reasons mentioned in I.A.No.1/2016, the delay of 1095 days may be condoned and the MCC may be admitted for restoration of W.P.No.2319 of 2003.
3. Perused I.A.No.1/2016, the MCC and the order passed in W.P.No.2319 of 2003 dated 08-10-2013. On 08-10-2013 the petitioner/applicant was not represented even in two rounds, with this, the Court dismissed said W.P. for want of prosecution.
4. On perusal of said W.P. No.2319 of 2003, it appears that the order of District Education Officer Baikunthpur dated 12-02-2000 was in a compliance

of order dated 22-01-2000 and endorsement dated 31-01-2000 as the petitioner was appointed as contingency daily wager after the year 1988. But the petitioner/applicant had not filed copy of the order dated 22-01-2000, endorsement dated 31<sup>st</sup> January, 2000, i.e., the basis for her removal in question.

5. In I.A.No.1/2016, it is mentioned that there is a delay of some days in filing this case and due to non-availability of his contact number, contact could not be established with him and as the original counsel cannot appear in the matter due to some professional reasons, hence after the contact was established, the petitioner approached the present counsel and the application has been filed. Nothing mentioned in the I.A.No.1/2016 supported by affidavit whether the original counsel informed him in writing for dismissal of said W.P. for want of prosecution on 08-10-2013, there is no any fact mentioned that what was the professional reason so as to make him unable to mark his appearance for the petitioner.

6. Also there is no any fact when the contact was established and when the applicant got aware regarding the dismissal of said W.P. on 08-10-2013.

7. On due consideration, as I.A.No.1/2016 is not having any substance, the applicant has failed to demonstrate satisfactory cause of delay of 1095 days in filing the instant MCC, I.A.No.1/2016 is dismissed as not maintainable. The MCC also stands dismissed being barred by 1095 days of its limitation.

Sd/-  
(Chandra Bhushan Bajpai)  
JUDGE