

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1525 of 2017

Arising out of

Civil Writ Jurisdiction Case No. 3126 of 2010

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Birendra Kumar Das son of Late Damodar Das, Resident of Village-
Babhangaon, P.O.- Chandpur, Panchayat- Gaithora, P.S. Kadwa, District
Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Zila Shikshak Niyojan Appeleya Pradhikar, Katihar, Mirchaibari,
District- Katihar.
3. The District Superintendent of Education, Katihar, Mirchaibari, S.D.O.,
Campus, District- Katihar.
4. The Block Development Officer, Kadwa Block, Kadwa, District- Katihar.
5. The Block Education Extension Officer, Kadwa Block Kadwa, District-
Katihar.
6. Mukhiya Gram Panchayat Raj, Gaithora, Kadwa Block Kadwa, District-
Katihar.
7. Panchayat Sachiva, Gram Panchayat Raj- Gaithora, at and P.O. Kadwa,
Kadwa Block, District- Katihar.
8. Md. Najmul Huda, son of late Md. Lukman, Panchayat Shikshak Primary
School, Sagdhar, at and P.O. Gaithora, Kadwa Block, District- Katihar.

.... Opp. Party/s

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Appearance :

For the Petitioner/s	:	Mr. Upendra Prasad with Mrs. Veena Kumari Jaiswal, Advocates
For the State	:	Mr. Ashutosh Ranjan Pandey, AAG 15

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL ORDER

3 08-11-2017

Heard learned counsel for the petitioner and State.

2. The present application has been filed seeking
recall of order dated 28.02.2017 by which C.W.J.C. No. 3126 of
2010 stood dismissed for non-prosecution.

3. Learned counsel for the petitioner submitted that
earlier also the case had been dismissed for non-prosecution and



with a change of counsel, restoration petition filed earlier was allowed but subsequently when the case was listed, name of the new counsel did not appear in the cause list due to which the case could not be marked resulting in it being once again dismissed for non-prosecution. It was submitted that there are no deliberate or wilful laches on the part of the petitioner.

4. Having considered the matter, the Court finds that sufficient cause has been shown for learned counsel for the petitioner not appearing on 28.02.2017 when the case was dismissed for non-prosecution.

5. In view thereof, the order dated 28.02.2017 passed in C.W.J.C. No. 3126 of 2010 stands recalled and the writ petition stands restored to its original file and number, to be placed before the appropriate Bench.

6. The application stands allowed.

(Ahsanuddin Amanullah, J)

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