

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Jurisdiction Case No.3834 of 2014**

**In**  
**Letters Patent Appeal No.760 of 2014**

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Asha Nand Mishra, S/O- Late Shobha Kant Mishra, Resident of Village+  
P.O.- Bhithi Salempur, P.S.- Pandaul, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director - In- Chief Health Services of Government of Bihar.
2. The Regional Deputy Director- In- Chief Health Services, Darbhanga Division, Darbhanga.
3. The Civil Surgeon-cum-Chief Medical Officer, Darbhanga.
4. The In Charge Medical Officer, Primary Health Centre, Bahadurpur, Darbhanga.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : None  
For the Respondent/s :

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

2     29-08-2017            None appears for the petitioner when the case is taken up today.

On going through the records we find that Letters Patent Appeal No.760 of 2012 was dismissed on merit. However, in this application, it is stated that the counsel appearing for the applicant could not appear when the Letters Patent Appeal was being heard by the Court, the order should be recalled. Except for contending that the Letters Patent Appeal has been decided without granting opportunity to the applicant to have presence



of his advocate at the time of hearing, certain other cases have been pointed out where due to non-availability of the counsel, the cases were adjourned, but it is stated that when the counsel was not present in his case, the matter has been decided on merits.

We find that except for the fact that the counsel was not present, the order passed by the Writ Court is based on due consideration of the legal principle on merit and no case is made out for recall of the order. The application is dismissed.

**(Rajendra Menon, CJ)**

**(Anil Kumar Upadhyay, J)**

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