

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 737 of 2014

In

Civil Writ Jurisdiction Case No. 10775 of 2008

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Mithilesh Kumar Son of Mundrika Prasad Singh Resident of Village-
Balua, P.O.- Belhari, District- Gaya

.... Petitioner

Versus

1. The State of Bihar
2. The Director in Chief (Health Service) Department of Health, Bihar
Patna
3. The Deputy Director (Health Service) Department of Health, Bihar Patna
4. The Civil Surgeon cum Chief Medical Officer, Vaishali

.... Opp. Parties

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opp. Party/s : Mr. Kaushal Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 30-03-2017 Heard Sri Ashok Kumar, learned counsel for the
petitioner and learned A.C. to Addl. Advocate General – 8.

The present petition was filed on 13-02-2014 for
restoration of writ petition i.e. C.W.J.C. No. 10775 of 2008,
which stood dismissed on 24-01-2012 due to non-prosecution.
Meaning thereby that after about two years from the date of
dismissal of the writ petition due to non-prosecution, the present
restoration petition was filed.

The writ petition was filed for directing the
respondents to appoint the petitioner as Non-Medical Assistant.
On perusal of the record, it is evident that on allegation that
appointment was forged one, an F.I.R. was lodged against the



petitioner and he was put on trial. Ofcourse, during trial, the prosecution failed to prove the charge and petitioner was acquitted, it does not mean that his appointment was treated as valid. The petitioner, after being acquitted, had filed a writ petition, vide C.W.J.C. No. 9573 of 1996, which was disposed of in absence of any counter affidavit. While disposing it of, a Bench of this Court had directed the Director-in-Chief to enquire regarding the appointment of the petitioner. The said order was passed on 11-05-1998. After about 10 years from the order of the writ court in C.W.J.C. No. 9573 of 1996, the petitioner filed another writ petition i.e. C.W.J.C. No. 10775 of 2008, which stood dismissed due to non-prosecution on 24-01-2012.

Learned counsel for the petitioner tried to persuade the Court to restore the writ petition, but the ground set-forth in the petition, particularly; the reason for filing such restoration petition after two years has not been plausibly explained. I do not find any ground to restore the petition.

The restoration petition stands dismissed.

(Rakesh Kumar, J.)

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