

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4722 of 2014

In
Miscellaneous Jurisdiction Case No. 5220 of 2013

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1. Nandlal Bhagat S/o late Perab Bhagat, resident of village & P.O. Gogari P.S. . Gogari District - Khagaria at present working as Assistant in K.D.S. College Gogari P.S. Gogari Dist. Khagaria.
 2. Suresh yadav S/o late Bhagwat Yadav resident of village Usari P.O. and P.S. Gogari Dist. Khagaria at present working as Peon in K.D.S. Collage , Gogari, P.S. Gogari , Dist. Khagaria.
 3. Lala Prasad Singh S/o late Raghunath Singh, resident of village Barichak, P.O.and P.S. Gogari Dist. Khagaria at present working as Peon in K.D.S. Collage, Gogari P.S. Gogari Dist. Khagaria.

.... Petitioner/s

Versus

1. Principal Secratary Education Department , Government of Bihar, Patna.
2. Tilka Manjhi Bhagalpur University , Bhagalpur through its Vice-Chancellor Sri Nilambuj Kishore Verma.
3. Md. Tahiir , Registrar , Tilka Manjhi Bhagalpur University , Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 19-08-2017 This application has been filed for restoration of

MJC No. 5220 of 2013 which is said to have dismissed in

default for non-compliance with an order dated 26.08.2014.

On a perusal of the original records of MJC
No.5220 of 2013, it is seen that even though on 26.08.2014 a
peremptory order was passed that in case compliance is not
made the application shall stand dismissed. It seems that the
application was not dismissed rather it was kept pending and
it was listed before this Court on 20th March, 2017 on which



date Mr. Shambhu Sharan Singh, learned counsel for the appellant, sought permission to withdraw the contempt application on account of the fact that the order passed by the learned Writ Court has been complied with. He was permitted to do so with the liberty to proceed further in accordance with law, if any separate cause of action arises to the petitioner. There is nothing on record that MJC No. 5220 of 2013 was dismissed due to non-compliance of the order dated 26.08.2014. On the contrary, the same has been dismissed on merit.

This being the position, this application stands dismissed.

(Rajendra Menon, CJ)

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