

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3976 of 2014

In
Civil Writ Jurisdiction Case No. 12035 of 2014

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Satyendra Yadav

.... Petitioner

Versus

The State of Bihar & Ors

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Kripa Nand Jha

For the Respondent/s : Mr. AC to SC-5

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 27-02-2017 Heard Sri Kripa Nand Jha, learned counsel for the

petitioner and learned AC to SC-5.

The present petition has been filed with a prayer to recall/modify the order dated 12.08.2014 passed in C.W.J.C.No.12035 of 2014. The order dated 12.08.2014 passed in C.W.J.C.No.12035 of 2014 is quoted herein below:

“If the panel is still alive and petitioner’s name appears therein and the vacancy continues, respondents shall be at liberty to consider his case for appointment against the said vacancy in the light of the orders passed by this Court in identical matter.

The writ application is disposed of.”

A plea has been taken that on the said date, one another writ petition i.e. C.W.J.C.No.22085 of 2013 was also listed. The petitioner on the said date wanted to get said writ petition i.e.C.W.J.C.No. 22085 of 2013 disposed of, but instead



inadvertently he gave number of present writ petition i.e. C.W.J.C.No.12035 of 2014 and, as such, the said writ petition was disposed of. He submits that the writ petition was basically filed against the order of the District Teachers Employment Appellate Authority, Darbhanga and, as such, on perusal of the order dated 12.08.2014 itself, it is evident that the said order was passed due to incorrect submission made by learned counsel for the petitioner. He submits that it was mistake on the part of learned counsel for the petitioner and due to the said mistake, the petitioner may not be allowed to suffer.

In view of facts and circumstances, particularly, the stand taken by learned counsel for the petitioner that due to inadvertence, he persuaded the court for disposal of C.W.J.C.No.12035 of 2014 instead of C.W.J.C.No.22085 of 2013, there is no reason to refuse the prayer.

Accordingly, the petition is allowed. The order dated 12.08.2014 is recalled and C.W.J.C.No.12035 of 2014 is restored to its original file.

(Rakesh Kumar, J)

NKS/-

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