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HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 731 of 2016

1. Shri Rawatpura Sarkar Polytechnic Through The Executive Director Of Shri Ravatpura Sarkar Lok Kalyan Trust, Namely Shri Shekhar Kothari, S/o Late Amarchand Kothari, Aged 37 Years, R/o Walford Enclave, Near Ramkrishnacare Hospital, Pachpedi Naka, Raipur, Chhattisgarh, Registered Trust Of Rawatpura Sarkar Politechnic is Near Shadani Darbar, Village Dhaneli, Mana Camp, Raipur, Chhattisgarh, Civil & Revenue District Raipur, Chhattisgarh
2. Shri Shekhar Kothari S/o Late Amarchand Kothari, Aged 37 Years R/o Walford Enclave, Near Ramkrishnacare Hospital, Pachpedi Naka, Raipur, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through: Commissioner-Cum-Principal Secretary, Higher & Technical Education, D.K.S. Bhawan Mantralaya, Raipur, District Raipur, Chhattisgarh
2. Chhattisgarh Swami Vivekanand Technical University, Through Its Registrar, North Park Avenue, Sector-8 Bhilai, District Durg, Chhattisgarh
3. All India Council For Technical Education (A Statutory Body Under Ministry Of HRD, Government Of India), Through Its Chairman, All India Council For Technical Education, 7th Floor, Chandralok Building, Janpad New Delhi- 110001
4. Director, Technical Education, Directorate Of T.E. Raipur, Indrawati Bhawan, Mantralaya, Raipur, Chhattisgarh

---- Respondents

For Applicants
For Respondent-State

Shri M. N. Thakur, Advocate
Shri Shashank Thakur, GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

04/01/2017

1. The matter is listed in default of not filing application for condonation of delay in filing the MCC.
2. In **MCC No. 591/2016 (Smt. Jyoti vs. General Manager)** passed on 13.12.2016, this Court has held that the provisions of Limitation Act do not apply in writ proceedings or in proceedings for review/modification/clarification on an order passed in writ jurisdiction.
3. In view of the above, the petitioner is not required to move any application much less an application in prescribed format seeking condonation of delay. Having examined the matter, I do not find that the application suffers from delay and laches.

M.C.C. No.731/2016

This is an application for restoration of WPC No.1784/2016, which was dismissed for non compliance of the Court order dated 18.07.2016.

On due consideration and for the reasons mentioned in the restoration application, it is allowed and WPC No.1784/2016 is directed to be restored to its original number.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala