

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1872 of 2017

In

Civil Writ Jurisdiction Case No. 9432 of 2010

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Sushil Kumar Jha, Son of Late Brajeshwar Jha, Resident of Village-
Jogiara, P.S. Jogiara, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar,
Patna.
2. The Principal Secretary, Human Resources Development Department,
Govt. of Bihar, Patna.
3. The Director, Secondary Education, Government of Bihar, Patna.
4. The District Education Officer, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satya Ranjan Sinha, Adv.

For the Respondent/s : Mr. Ashutosh Ranjan Pandey- AAG15

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

3 18-07-2018 This miscellaneous application has been filed for modification of the order dated 30.06.2010 of a coordinate bench whereby the two writ petitions namely C.W.J.C No. 9427 of 2010 and C.W.J.C No. 9432 of 2010 were disposed of.

Mr. Satya Ranjan Sinha learned counsel appearing for the petitioner in C.W.J.C No. 9432 of 2010 while pressing the modification/recall application submits in reference to the order dated 17.06.2010 that the coordinate bench while recognizing the right of the petitioners for participation in the counseling had directed that the results of the selection be kept in sealed cover and which would be subject to the outcome of a proceeding pending in



the Supreme Court bearing S.L.P (Civil) No. 10964 of 2010. He submits that some typographical error occurring in the order dated 17.06.2010 that these matters were listed again on 30.06.2010 and when upon hearing the counsel for the petitioner in C.W.J.C No. 9427 of 2010 the order dated 17.06.2010 passed in the 2 writ petitions was modified to the extent discussed in the order but perhaps inadvertently an order of disposal was recorded even when by the previous order passed on 17.06.2010, the 2 writ petitions were directed to be posted on disposal of the Supreme Court matter. He submits in reference to the order dated 30.06.2010 passed in the 2 writ petitions that the limited extent of modification in the earlier order dated 17.06.2010 can be seen and there is no modification of the order whereby these 2 writ petitions were directed to be listed on disposal of Supreme Court matter. Hence this modification application.

Initially, the said prayer was advanced by Mr. Sinha by filing an interlocutory application in the disposed of writ petition but which was not maintainable hence he has filed the present application praying for modification/recall of the order dated 30.06.2010 passed in C.W.J.C No. 9427 of 2010 and C.W.J.C No. 9432 of 2010 in so far as it records a disposal of the 2 writ petitions. While submitting as such Mr. Sinha has also invited the



attention of this Court to the order of the Supreme Court passed in Civil Appeal No. 4270 of 2014 arising from S.L.P No. 10964 of 2010 to submit that the Supreme Court matter was disposed of on 1st of April, 2014 and whereafter the 2 writ petitions ought to have been listed.

I have heard the learned counsel for the parties and I have perused the records.

The ordersheet in the 2 writ petitions i.e. C.W.J.C No. 9427 and C.W.J.C No. 9432 of 2010 from which the present miscellaneous application arises, stands recorded in C.W.J.C No. 9427/ 2010 filed by Indu Rani and a plain reading of the orders passed on 17.06.2010 and 30.06.2010 would confirm the submissions advanced by Mr. Sinha that it is for the limited purpose of modification of certain error occurring in the order dated 17.06.2010 that the matter was listed on 30.06.2010 but certainly not for disposal because by the previous order, these 2 writ petitions were directed to be posted on disposal of a Supreme Court matter and there is nothing in the order dated 30.06.2010 which anywhere indicates modification of that direction.

The prayer made in this miscellaneous application is thus upheld and accordingly the order dated 30.06.2010 passed in C.W.J.C No. 9427 of 2010 with C.W.J.C No. 9432 of 2010 to the



extent it records a disposal of the 2 writ petitions is recalled. The 2 writ petitions are restored on board of their respective files and since S.L.P (Civil) No. 10964 of 2010 has been disposed of as stated above, let these 2 writ petitions be placed for Admission before the appropriate Bench as per roster after obtaining permission of Hon’ble the Chief Justice.

M.J.C No. 1872 of 2017 is allowed.

(Jyoti Saran, J)

Bibhash/Ranveer

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