

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12621 of 2016

Along with

Interlocutory Application No. 5816 of 2018

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Khushi Lal Mandal S/o Late Sundar Mandal Resident of village - Parsauni, P.O.
Ganaura, P.S. & Anchal - Marauna, District - Supaul

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Development Department, Bihar, Patna
3. The Director, Primary Education, Govt. of Bihar, Patna
4. The District Magistrate, Supaul
5. The District Education officer, Supaul
6. The District Programme officer (Establishment), Education, Supaul
7. The Block Education officer, Marauna
8. The Drawing Disbursing Officer, Middle School, Gidrahi, Block & P.S.
Marauna, District Supaul
9. District Provident Fund officer, Supaul
10. The Accountant General, Bihar, Virchand Patel Path, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Sinha, Advocate
For the State	:	Mr. SC 33
For the A.G.	:	Mr. Kumar Priya Ranjan, SC with Mr. Niraj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 02-08-2018

Re.: Interlocutory Application No. 5816 of 2018

Heard learned counsel for the petitioner; State and
Accountant General.

2. Interlocutory Application has been filed on behalf of
the State seeking recall of the order dated 30.07.2018 imposing cost of
Rs. 5,000/- on the State for non-compliance of the order dated
05.07.2018 requiring filing of specific affidavit and having the



original records.

3. Learned counsel for the State submitted that due to some confusion, though the affidavit on behalf of the State was already ready on 30.07.2018, but because of being under the impression that when the case would be called out, it would be filed, it happened that when the matter was taken up, no State counsel was present. It was further submitted that the records were also available with the State Counsel. Learned counsel submitted that the fault was not deliberate and wilful and only due to circumstances. It was further submitted that the said affidavit of the State on behalf of the authorities affirmed on 30.07.2018 has already been filed yesterday.

4. Having considered the matter, the Court finds that there was no deliberate or wilful laches on the part of the learned State Counsel.

5. In view thereof, the order imposing cost of Rs. 5,000/- on the State stands recalled. Interlocutory Application No. 5816 of 2018 stands disposed off.

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6. In view of materials brought on record in the supplementary counter affidavit filed on behalf of respondents no. 1 to 7, in terms of the earlier order of the Court, especially paragraphs no. 5 and 6, learned counsel for the petitioner does not dispute that the



grievance stands redressed, subject to verification.

7. Having regard to the fact that such statement has been made on oath and copies of relevant documents have also been annexed, the Court has no occasion to disbelieve the veracity of such statement.

8. In view thereof, the writ petition stands disposed off.

(Ahsanuddin Amanullah, J)

Anjani/-

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