

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3345 of 2017

In
Letters Patent Appeal No.767 of 2016

=====

Syad Shabbar Imam Son of Ali Imam, resident of Village Chandanpatti, P.S.-
Ashok Paper Mill, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar, Through Principal Secretary, Human Research Development Department, Govt. of Bihar Patna.
2. The Special Director Secondary Education Bihar Patna.
3. The Chairman Bihar State Madarsa Education Board Patna.
4. The Secretary Bihar State Madarsa Education Board Patna
5. The Regional Deputy Director of Education Darbhanga
6. The District Education Officer Darbhanga.
7. The District Programme Officer Darbhanga.
8. The Sub Divisional Education Officer Darbhanga
9. Madarsa Imamia Chandan Patti Haya Ghat Darbhanga Through its Managing Committee.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. Md. Rashid Alam

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

4 27-08-2018 Though none has chosen to appear to press this application filed for restoration of LPA No. 767 of 2016, insofar as it stands dismissed as against the respondent nos. 3, 4 and 9, but the State is represented through the State counsel. Though served, there is no representation on behalf of the Madarsa Board either.

This restoration application has been filed for



restoration of L.P.A. No. 767 of 2016 insofar as it stands dismissed against respondent nos. 3, 4 and 9 on the failure of the appellant to take steps for furnishing the requisites under ordinary process as well as registered post with A/D for service upon them following the orders passed on 02.09.2016 and 18.10.2016.

We have perused the reasons assigned in the restoration application, the records of the appeal and we have heard the learned counsel for the State.

The records of the connected appeal would confirm that although vide order passed on 18.10.2016, the appellant was given peremptory time until 19.10.2016 for furnishing the requisites for service of notice on respondent nos. 3,4 and 9, it was filed only in respect of respondent no. 9. It has been explained by the petitioner-appellant that it is due to bonafide mistake in appreciating the order, which has led to such default which was made good on 21.07.2017 when the requisites under both process was filed in respect of respondent nos. 3 and 4 as well.

Having considered the explanation so given and taking note of the fact that the peremptory order dated 18.10.2016 has been complied, albeit partially in respect of



respondent no.9, within the stipulated period, that the requisites under ordinary process and registered cover in respect of respondent nos. 3 and 4 has also been filed on 21.07.2017, we condone the delay to restore the letters patent appeal in respect of respondent nos. 3 and 4 as well.

Let the requisites deposited by the appellant in respect of respondent nos. 3, 4 and 9 in compliance of the order passed on 18.10.2016 be accepted.

L.P.A. No. 767 of 2016, insofar as the respondent nos. 3, 4 and 9 are concerned, stands restored. This restoration application is allowed.

Let the office take steps for issuance of notice on respondent nos. 3, 4 and 9 accordingly and in terms of the direction present in the order dated 02.09.2016.

(Jyoti Saran, J)

(Chakradhari Sharan Singh, J)

HR/-

U			
---	--	--	--

