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HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 183 of 2018

- Lok Nath Yadav S/o Late Amol Singh Yadav Aged About 47 Years R/o Village Nawapara, Post And Tehsil Dabhra, District Janjgir-Champa, Chhattisgarh.

---- Petitioner

Versus

1. State Of M.P. (Now Chhattisgarh), through the Secretary, School Education Department, Mantralaya, Naya Raipur, District Raipur (CG)

2. The Joint Director School Education Department, Bilaspur, District Bilaspur, Chhattisgarh.

3. P R Gahiney Principal, P G B T College (Officiating Joint Director), Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondent

For Petitioner Mr. Adil Minhaz, Advocate
For State Mr. Wasim Miyan, Panel Lawyer

S.B.: Hon'ble Mr. Justice Prashant Kumar Mishra
Order On Board

19/4/2018

1. Heard.

2. This is an application for restoration of WPS No.1504/2005, which was dismissed for want of prosecution on 10.1.2012.

3. Learned counsel for the applicant would submit that on transfer of the Original Application/Writ Petition from the High Court of Madhya Pradesh to this Court, the same was dismissed in default, for which, a MCC was moved by him for its restoration,

which was allowed and the writ petition was restored to its original number. Thereafter, the writ petition was again posted for hearing on 10.1.2012 and on the said date, since his name did not appear in the cause list as there was no Vakalatnama filed in the writ petition, the same was dismissed for want of prosecution.

4. Learned counsel for the applicant would explain in this regard that he was under impression that the Vakalatnama filed along with the MCC filed earlier would be suffice for the writ petition also, therefore, there was bonafide mistake on his part. He would submit that non-publishing of his name in the cause list may not be wholly attributable to the default of the Registry, but the fact remains that he had already filed his Vakalatnama in the earlier MCC.

5. Considering the explanation offered by learned counsel for the applicant, this Court is satisfied that non-appearance of learned counsel for the applicant at the time of hearing of WPS No.1504/2005 on 10.1.2012 was bonafide.

6. Accordingly, the MCC is allowed and WPS No.1504/2005 is restored to its original number.

Sd/-

Judge

(Prashant Kumar Mishra)

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