

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 749 of 2017

Kamal Kishore Patel, S/o. Late Mehattar Prasad Patel, Aged About 33 Years, R/o. Village Kanumura, Tahsil Kharsiya, District Raigarh, Chhattisgarh.

---- Applicant

Versus

1. Collector (Tribal Development) Raigarh, Chhattisgarh.
2. Assistant Commissioner (Tribal Development) Collector Office, Raigarh, Chhattisgarh.
3. State Of Chhattisgarh, Through Secretary, Education Department, D.K.S. Bhawan, (Now Mahanadi Bhawan) Mantralya, District Raipur, Chhattisgarh.

---- Respondents

For Applicant : Mr. Vivek Kumar Tripathi, Advocate

For Respondent : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

30.08.2018

Heard

1. This is an application for restoration of Writ Petition No.429/2006 which was dismissed on 26.06.2009 for want of prosecution.
2. It has been stated that the petition was filed for compassionate appointment, however, the same was dismissed on 26.06.2009 for want of prosecution. Since it has been stated that the petitioner did not have a notice that the petition was dismissed when he came to High Court for filing the urgent hearing application, he came to know that the petition was dismissed for want of prosecution.
3. Perused the application, which is duly supported by an affidavit.
4. Perusal of the record would show that the petition was for compassionate appointment. In case of dismissal, the petitioner may suffer an irreparable loss which cannot be compensated and

it is always in the interest of justice to decide the case on merit. Taking into fact that the litigation is against the State and the compassionate appointment has been prayed, under the circumstances, the delay is condoned and the application for restoration is allowed. Consequently, the order dated 26.06.2009 is set aside. The Writ Petition No.429/2006 is restored to its original number.

Sd/-
(Goutam Bhaduri)
Judge

Ashok