

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3908 of 2018

In
Letters Patent Appeal No.588 of 2016

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Abhay Chandra S/o Sri Ram Chandra Prasad Yadav. R/o Moh-Choti Kesho
Pur, Targachh Kali Asthan No.2 Ke Pichhe, P.O. and P.S. Jamalpur, Dist.-
Munger

... .. Petitioner

Versus

1. The State of Bihar through the Commissioner cum Secretary Human
Resource Development Dept., Bihar, Patna.
2. The Director Secondary Education, Bihar, Patna.
3. The Regional Deputy Director of Education, Munger Division, Munger.
4. The Dist. Education Officer, Munger.
5. Ram Chandra Pd. Yadav Secretary, Managing Committee, Bhartiya Arya
High School-Jamalpur in the Dist. of Munger.
6. The In-Charge Headmaster, Bharti Arya High School, at P.O. and P.S.
Jamalpur, Dist.-Munger

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Avanindra Kumar Jha
For the Opposite Party/s : Mr.Ashutosh Ranjan Pandey

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 11-09-2019 Heard learned counsel for the applicant.

We have perused the order passed in L.P.A. No. 407
of 2012 dated 27.03.2012 which is extracted hereinunder :-

“Re. Interlocutory Application No. 2227 of 2012:

The delay of 188 days occurred in filing the
Letters Patent Appeal is condoned.

Interlocutory Application stands disposed.

Re. Letters Patent Appeal No. 407 of 2012 :

After arguing the matter at length, learned
Advocate Mr. Purushottam Kumar Jha stated that
the appellant has filed application for review



before the learned single Judge. He, therefore,
seeks leave to withdraw this Appeal.
Leave is granted.
Appeal is disposed of as withdrawn.”

The L.P.A. was, therefore, disposed off as withdrawn.

The L.P.A. had been filed against the main judgment of the learned Single Judge. Thereafter, a review application was pursued and learned Single Judge dismissed the review application in the light of the fact that the Letters Patent Appeal against the main judgment had already been dismissed.

Against the said order of the learned Single Judge dismissing the review application, L.P.A. No. 588 of 2016 was filed and the same was dismissed in default. This M.J.C. has been filed for restoring the said L.P.A. with a prayer that the learned Single Judge had committed an error in rejecting the review application in the background aforesaid.

We have considered the restoration matter and even though there is delay in the same, we condone the same and allow the restoration application namely M.J.C. No. 3908 of 2019.

We have also heard the L.P.A. No. 588 of 2016 after its restoration and in view of the principles as laid down in Rules VII of Order 47 of the Civil Procedure Code, once the L.P.A. against the main judgment has been withdrawn, there is



no occasion for the learned Single Judge to have proceeded with the review matter nor there is any occasion for us to interfere with the same.

This appeal lacks merit and it is accordingly rejected.

(Amreshwar Pratap Sahi, CJ)

(Rajeev Ranjan Prasad, J)

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