

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.5093 of 2018

In
Civil Writ Jurisdiction Case No.15698 of 2008

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Shyam Narayan Singh, Son of Sri Kedar Singh, Resident of Village and P.O. Shahbajpur, P.S. Mohania, District- Kaimur.

... .. Petitioner/s

Versus

1. State of Bihar, through the Chief Secretary, Old Secretariat Building, Patna.
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Vikas Bhawan, Patna.
3. The Director (Administration)-cum-Joint Secretary to the Govt. in the Human Resources Development Department, Government of Bihar, Vikas Bhawan, Patna.
4. The Secretary, Secondary, Primary and Adult Education Department, Govt. of Bihar, Patna.
5. The Departmental Enquiry Commissioner, Bihar, Patna.
6. The Additional Member Board of Revenue, Bihar, Patna.
7. The District Superintendent of Education, Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jagdish Prasad
For the Opposite Party/s : Mr.Ashutosh Ranjan Pandey

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 20-02-2019 This M.J.C. petition is filed for restoration of CWJC No.15698 of 2008, which was dismissed for non-prosecution on 14.02.2017.

Learned counsel for the petitioner submits that the writ petition was filed from the office of Late Dr. S.N. Jha and after his death, the case was listed under the heading for admission but the case remained unattended. Consequently the writ petition was dismissed on 07.05.2015. M.J.C. No. 2073 of 2015 was filed for restoration of CWJC No. 15698 of 2008 and



by order dated 20.01.2017, the restoration was allowed and aforesaid writ petition was restored to its original file but again the writ was listed for admission on 07.05.2015 but none appeared on behalf of the petitioner. Again the writ was listed for admission after restoration on 09.02.2017 but none appeared on behalf of the petitioner. The case was ordered to be listed on 13.02.2017. The case was again taken up for hearing in admission matter on 14.02.2017 but even on that day, none appeared on behalf of the petitioner and consequently, the writ petition was dismissed.

From the facts aforesaid, it appears that the petitioner did not take proper attention in pursuing the writ petition and consequently the writ petition was dismissed for non-prosecution but the learned counsel for the petitioner submits that the petitioner shall suffer irreparable loss if the writ petition is not restored.

The petitioner has filed the aforesaid writ petition against the order of punishment inflicted on him in a departmental proceeding and by the aforesaid punishment, the petitioner was reverted to his basic scale.

Taking into consideration the facts aforesaid and in the interest of justice, this restoration petition is allowed and



CWJC No.15698 of 2008 is restored to its original file, subject to the condition that the petitioner shall deposit Rs. 5,000/- in the account of Patna High Court Legal Services Authority within four weeks from today.

(Prabhat Kumar Jha, J)

S.KUMAR/-

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