

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2817 of 2018

In
Letters Patent Appeal No.603 of 2017

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Lalan Prasad S/o Late Bahadur Prasad R/o Village P.O. Bahrauli Kunwar
Tola, P.S. - Mashrak, District - Saran.

... .. Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary Human Resource Development Department,
Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna
4. The District Magistrate, Saran, Chapra.
5. The District Education Officer, Saran, Chapra.
6. The District Programme Officer, Establishment, Saran, Chapra.
7. The Block Development Officer, Mashrak, Saran.
8. The Block Education Extension Officer, Mashrak Saran.
9. The Mukhiya, Gram Panchayat Raj, Bahrauli, Block Mashrak, District -
Saran.
10. The Panchayat Secretary Gram Panchayat Raj, Bahrauli, Block - Mashrak,
District - Saran.

...Respondents /O.P. 1st Set.

11. Brenjit Kumar Prasad S/o Sri Ram Prasad r/o village P.O. Bahrauli, P.S. -
Mashrak, Dist - Saran at Chapra, Presently working as Panchayat Teacher in
Upgraded Middle School, Kuer Tola, Block Mashrak, Dist - Saran at
Chapra.

... ..Respondent/ O.P. 2nd Set.

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Appearance :

For the Petitioner : Mr. Shashi Shekhar Tiwary, Advocate
For the Respondent/State: Mr. Ashutosh Ranjan Pandey - AAG 15

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and

HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

Date : 25-11-2019

This application under Section 151 of the Civil
Procedure Code has been filed by the petitioner for restoration
of LPA No. 603 of 2017, which was dismissed due to part



compliance of the peremptory order dated 23.04.2018 passed by this Court.

Learned counsel for the petitioner submitted that out of eight defects pointed out by the registry, seven were already removed, but due to inadvertence the eight defect could not be removed within time. He submitted that since the order was peremptory in nature, the letters patent appeal got dismissed.

Learned counsel for the State does not oppose the prayer of the petitioner.

Regard being had to the submissions made above, the application is allowed. LPA No. 603 of 2017 is directed to be restored to its original file.

However, the petitioner shall be required to remove all the defects within two weeks from today failing which LPA No. 603 of 2017 shall stand dismissed once again.

(Ashwani Kumar Singh, J)

(Prakash Chandra Jaiswal, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

