

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4167 of 2010

1. The State of Bihar.
2. The District Education Officer, Sitamarhi.

... .. Petitioners

Versus

Krishna Chandra Sah, Son of Sri Jamadar Sah, resident of village Kurwa Mathian Bishnupur Brit, P.S. Chanpatia, District West Champaran.

... .. Opp. Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma, Adv.
For the Respondent/s : Mr. Anshuman Singh, AC to AG

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

5 17-01-2019 MJC No. 4167 of 2010 is put up for consideration consequent upon the order passed by the Division Bench in MJC No. 1206 of 2015 which was allowed to restore this restoration application which in turn has been filed to restore LPA No. 1020 of 2004 which was dismissed for want of prosecution on 16.07.2008.

This Court notices that the records in the Letters Patent Appeal which is sought to be restored has been destroyed under the Rules. Understandably so because the appeal got dismissed on 16.07.2008 and the present restoration application filed two years thereafter on 24.09.2010 also got dismissed for failure of the appellants- State to ensure compliance of the



peremptory order passed on 7.5.2013. It is again two years thereafter that the present restoration application was restored by the order of the Division Bench passed on 05.07.2017 in MJC No. 1206/2015.

Be that as it may, since the Division Bench by order passed in MJC No. 1206/2015 has directed for restoration of the present application, having considered the submissions advanced on behalf of the petitioners and in the nature of the peremptory order passed on the LPA, we allow this application to restore LPA No. 1020/2004 to its file.

List LPA No. 1020 of 2004 before the appropriate Bench on the top of the Admission list on 23rd January, 2019 as per roster.

MJC No. 4167 of 2010 is allowed.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Archana/
Surendra/-

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