

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5724 of 2020

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Janki Devi, female, aged about 44 years, W/o Harendra Singh R/o Village Kusre, P.S.- Sandesh, District- Bhojpur.

... .. Petitioners

Versus

1. The State of Bihar
2. The District Magistrate-cum- Collector, Bhojpur.
3. The District Supply Officer, Bhojpur.
4. The District Manager, Bihar State Food Corporation, Bhojpur.
5. The Assistant District Supply Officer Sadar, Ara, Bhojpur.
6. The Sub- Divisional Officer Sadar, Ara, Bhojpur.
7. The Block Supply Officer Sahar and Sandesh, Bhojpur.

... .. Respondents

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Appearance:

For the Petitioner/s : Mr. Patanjali Rishi, Advocate
For the Respondent/s : Mr. Gyan Shankar, AC to GP 2

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 29-05-2020 This matter has been taken up for hearing through video conference.

2. In view of certain fundamental deficiencies and defects in the writ petition, learned counsel for the petitioner seeks permission to withdraw the writ petition with liberty to file the same afresh.

3. Permission is accorded. The writ petition stands dismissed as withdrawn with the aforesaid liberty.

4. At this stage, I must take note that for purposes of providing an alternative method of approaching this Court during the ongoing Covid-19 pandemic for relief in matters found to be of exceptionally urgent nature, provision was made in terms of a notice dated 04.04.2020 issued by order of Hon'ble the Chief Justice, for filing of applications through scanned/soft copies on email. The procedure for such filing was elaborated from time to



time, such as by notices dated 07.04.2020 and 09.04.2020. The prevailing procedure to be followed for e-filing of cases falling under the various categories designated as urgent/specified matters for being taken up through video conference during the pandemic has been detailed in terms of Notice-II(2) dated 23.05.2020 (the new procedure for e-filing as notified in Notice-III printed in today's cause-list is restricted only to general cases), the relevant portion whereof is being reproduced hereunder –

“i. Thereafter counsel for the petitioner/respondent or party appearing in person should immediately file applications/petitions through scanned/soft copies which may be sent on Email ID “efiling.phc-bih@gov.in”.

ii. In case such applications/ petitions, as aforesaid, are not accompanied by a duly sworn Affidavit and/or Court fees, an undertaking shall be furnished by the Ld. Counsel/ petitioner in person, to the effect that the same would subsequently be provided when called upon to do so.

iii. The parties shall have to file the complete hard copies of the applications/ petitions/documents later on.”

5. In the recent past, I have found that some of the writ petitions have been e-filed with some fundamental deficiencies and defects. The present writ petition was one such. These require to be addressed before the matter can be taken up on merits, especially as writ proceedings are adversarial in nature. It must be made clear that the extant rules, practice and procedure applicable to filing of petitions have not been dispensed with and continue to remain mandatory. The procedure of e-filing merely relaxes the need for physical filing of petitions and applications which must otherwise be complete in all respects.

6. In these circumstances, I consider it necessary to spell out the following minimum aspects required to be observed before scanning and e-filing a writ petition, and also petitions in



general to the extent applicable, and which shall be in addition to the requirements of Notice-II(2) dated 23.05.2020 as aforesaid –

a. A properly filled up index and a brief synopsis should accompany the writ petition.

b. An endorsement on the upper right margin of page-1 by learned counsel through whom the writ petition is being filed.

c. The writ petition must contain all the annexures referred to in the index.

d. The form of the affidavit must be complete without leaving blanks and must be signed by the party/person concerned who should be duly identified in the usual manner. Only the swearing of the affidavit has been postponed in terms of the aforesaid notice.

e. Copy of proof of identity of the deponent, such as Aadhar card, etc. should be enclosed.

f. The body of the Vakalatnama must be properly filled up before the Vakalatnama is executed by the party/person concerned, and thereafter accepted by learned counsel who is/are engaged thereunder.

7. For the sake of general information of all concerned, I direct the Registrar General and the Registrar (List) to ensure that the above minimum requirements be printed in the daily cause-list of this Court without delay.

(Vikash Jain, J)

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