

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2653 of 2023

In
Civil Writ Jurisdiction Case No.283 of 2023

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Badri Nath Jha son of Late Tejnath Jha, Resident of Village and P.O.-Deep,
Via-Jhanjharpur, P.S.-Lakhnaur, Distt.-Madhubani (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Higher Education, Govt. of Bihar, New Secretariat, Patna.
2. The Director, Department of Higher Education, Govt. of Bihar, New Secretariat, Patna.
3. The Vice-Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
4. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
5. The Principal, Baba Saheb Ram Sanskrit College, Panchadi, Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunny Kumar, Adv.
For the State : Mr. Subhash Chandra Mishra, SC 16

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-10-2023 Heard Mr. Sunny Kumar, learned counsel appearing

on behalf of the petitioner and Mr. Subhash Chandra Mishra,

learned counsel for the State.

2. The petitioner by filing the present application seeking restoration of writ petition bearing CWJC No. 283 of 2023 which stood dismissed for default due to non compliance of the peremptory order dated 20.01.2023 passed by a Bench of this Court.

3. It is submitted that in the aforesaid writ petition,



there were only two sets of official respondents, i.e. State of Bihar and its officials and secondly, Kameshwar Singh Darbhanga Sanskrit University and the date on which the matter was taken up, all the respondents ensured their appearances. However, despite the aforesaid position, when the matter was taken up, the Hon'ble Court *vide* its order dated 20.01.2023 directed to file requisites for service of notice upon the respondents, failing which the writ petition shall stand rejected without further reference to a Bench, but the same could not be done on bonafide belief that as the respondents have already entered their appearance, there is no need of filing any requisites of notice upon the respondents, which finally resulted into dismissal of the writ petition.

4. In view of the averments made in the restoration application and the submissions advanced on behalf of the petitioner, the restoration application is allowed. The writ petition bearing CWJC No. 283 of 2023 stands restored to its original record.

(Harish Kumar, J)

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