

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1096 of 2019

In
Civil Writ Jurisdiction Case No.11926 of 1997

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Brajesh Kumar, son of Late Shambhu Prasad Sinha resident of Mohalla Shivpuri, P.O. and P.S.- Gardanibagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Speaker, Bihar Legislative Assembly Patna.
3. The Secretary/ Secretary- in Charge Bihar Legislative Assembly, Patna.
4. The Deputy Secretary (Establishment) Bihar Legislative Assembly, Patna.
5. The Deputy Secretary (Reporting Section) Bihar Legislative Assembly, Patna.
6. The Deputy Secretary (Accounts) Bihar Legislative Assembly, Patna.
7. Bihar Legislative Assembly, Patna through its Speaker.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanchay Srivastava
For the Opposite Party/s : Mr. Gyan Prakash Ojha (GA-7)
Mr. AC to GA-7

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 24-10-2024 1. Heard learned counsel for the petitioner and
learned AC to GA-7 for the State.

2. The learned counsel for the petitioner submits that the instant restoration application has been filed seeking restoration of CWJC No.11926 of 1997, which stood dismissed for default by an order dated 28.03.2014.

3. The learned counsel submits that petitioner was appointed as a Reporter with the Bihar Vidhan Sabha on 05.03.1994. It is submitted that thereafter petitioner started



attending his office, but then, was not being paid his salary and on 01.08.1996, the petitioner was restrained from discharging his duties, though his services was not terminated, when he was appointed on the post of Reporter in pursuance of an advertisement issued by the Bihar Legislative Assembly.

4. The learned counsel for the petitioner submits that from perusal of the advertisement as annexed with the writ application, it would manifest that the date of issuance of the advertisement is not legible. It is next submitted that when petitioner was restrained from discharging his duties, the petitioner approached this Court by filing CWJC No.11926 of 1997 and the writ application was admitted for hearing by an order dated 02.09.1999 and thereafter, for the first time, it was taken up on 28.02.2014, when no one appeared on behalf of the petitioner and thereafter, the case was again taken up on 28.03.2014 and the same was dismissed as not pressed as none had appeared on behalf of the petitioner on the said date also.

5. At this stage, the learned AC to GA-7 submits that the writ application was dismissed as not pressed by an order dated 28.03.2014 and five years thereafter, the instant restoration application came to be filed in the Year 2019 seeking restoration of CWJC No.11926 of 1997 to its original file. The



learned AC to GA-7 submits that it appears that the petitioner was not interested in pursuing his remedy before the Court or else the restoration application would have been filed instantly. It is also submitted that it appears that the petitioner is pursuing a leisure litigation.

6. After hearing the parties, the Court is not inclined to entertain the restoration application.

7. Accordingly, the instant petition is dismissed.

(Satyavrat Verma, J)

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