

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.904 of 2022

In

Civil Writ Jurisdiction Case No.549 of 2019

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Brijal Kumar Bharat Bhai Sah, Son of Bharat Bhai Sah, Resident of 5C,
Mangal Tirath Tower-1, Dharanidhar Derasar Char Rasta, P.S. - Paldi, District
- Ahmedabad (Gujrat).

... .. Petitioner

Versus

1. The State of Bihar, Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Education Department, Government of Bihar,
Patna.
4. The Principal Secretary, Home Department, Government of Bihar, Patna.
5. The Director, Secondary Education, Government of Bihar, Patna.
6. The Director General of Police, Bihar, Patna.
7. The Inspector General of Police, Patna Range, Patna.
8. The Deputy Inspector General of Police, Patna Range, Patna.
9. The Senior Superintendent of Police, Patna.
10. The SHO, Kotwali Police Station, Patna.
11. The Bihar School Examination Board, through its Secretary, Bihar, Patna.
12. The Chairman, Bihar School Examination Board, Bihar, Patna.
13. The Secretary, Bihar School Examination Board, Bihar, Patna.
14. Lal Keshwar Prasad Singh Son of Nanhak Singh, Resident of Mohalla -
Bahadurpur, P.S. - Bahadurpur, District - Patna, Ex-Chairman, Bihar School
Examination Board, Bihar, Patna.
15. Harihar Nath Jha, Son of Braj Banshi Jha, Resident of Village and P.O. and
P.S. - Patahi, District - East Champaran, Ex-Secretary, Bihar School
Examination Board, Bihar, Patna.
16. Vikash Kumar, Son of Late Ram Shubhag Singh, Resident of 1/34, New
Patliputra Colony, P.S. - Patliputra, District - Patna, store In-Charge, Bihar
School Examination Board, Bihar, Patna.
17. Raj Kishore Prasad Gupta, Son of Late Jagarnath Prasad Gupta, Resident of
Gola Road, Gajadhar Chowk, East of Dr. R.K. Chaubey, P.S. - Danapur,
District - Patna.
18. Naresh Gupta, Son of name not known to the petitioner, Proprietor of Indira
Paper Mill, Zero Miles, New Bypass, Patna.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Kanhaiya Pandey, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Rastogi (Aag 10)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 02-08-2024 This is an application seeking restoration of CWJC No. 549 of 2019 which stood dismissed for default on 09.01.2019.

2. Learned counsel for the petitioner submits that because of the mistake on the part of the Office Clerk in communicating the correct facts, the defects could not be removed within time.

3. This Court finds that the application was dismissed for non-compliance of the order dated 09.01.2019 but this restoration application has been filed after about five years without there being any explanation for the condonation of delay. The petitioner has, however, filed an application seeking condonation of delay in which it is stated that due to change of the contact/mobile number, the learned Advocate was unable to contact the writ petitioner which has caused the entire delay. In the intervening period, COVID-19 pandemic had also broken out.

4. Having regard to the circumstances shown, this Court directs restoration of CWJC No. 549 of 2019 to its original file.

5. This application as well as I.A. No. 1 of 2024 stands disposed of.

(Rajeev Ranjan Prasad, J)

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