

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3 of 2024

In
Civil Writ Jurisdiction Case No.12477 of 2022

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Sachhidanand Roy Son of Ramdhani Roy, Resident of Flat No. 301, Winsom Apartment, Vijay Yadav Path, Khagaul, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
3. The Director (Primary Education), Department of Education, Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The District Education Officer, District- Patna.
5. The District Program Officer (Establishment), District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Purushottam Kumar Jha, Adv.

For the Opposite Party/s : Mr. Government Advocate 27

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-04-2024 Heard learned counsel for the petitioner and the State.

2. The present petition has been preferred for restoration of CWJC No. 12477 of 2022 (Sachhidanand Roy Vs. The State of Bihar & Ors.) to its original file which was dismissed, for non-compliance of an order dated 18.11.2022, by a co-ordinate Bench of this Court (Hon'ble Mr. Justice Sanjeev Prakash Sharma). As the defects were not removed due to peremptory order, it stood dismissed for non-compliance of the said order.

3. The restoration petition has been preferred and from paragraph 5 to 7 are incorporated here in below:

“5. That on 18.11.2022 the case was taken up through virtual mode and by a sweeping order in all the cases, which were listed under the heading "office notes", the Hon'ble Court has been pleased to direct for removal of defects, with in three weeks. Hence, there was no occasion for making any submission and prayer for ignoring any of the defects, pointed by the stamp reporter.

6. That under the circumstances, in compliance of the order dated 18.11.2022 in CWJC No. 12477 of 2022, for the purposes of removal of defects, within stipulated time, after removing the defects, original files were submitted in the pre writ section of the registry, on 29.11.2022. However, at this juncture also, the original bench file was nor given to the petitioner's counsel for perusal, and instead a loose note sheet (green colour) was given by the office staff and it has been instructed that, a general statement with regard to removal of defects shall be stated in the margin, and the note sheet & original copy shall be left at the table. And, as per the prevailing system then, the registry staff used to annex the original files, in the bench copy of the files

7. *That under the circumstances, the petitioner's counsel has had no occasion to make out any specific statement with regard to any specific defect, on the pages specified for submitting notes in respect of stamp reported defects.”*

4. It is clear that in spite of taking the blame on himself and his offices, the petitioner is trying to shift the responsibility on the High Court.

5. In the aforesaid circumstances, this Court deem it fit and proper to restore the MJC No. 3 of 2024 to its original file.

6. M.J.C. No. 3 of 2024 is dismissed.

(Rajiv Roy, J)

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