

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1345 of 2025

In
Civil Writ Jurisdiction Case No.5441 of 2019

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Gobind Prasad Chaudhary through L.R. Nirmala Chaudhary, Widow of Late Govind Prasad Chaudhary, Resident of Village Maniksarkar, Ghat Road, Police Station - Adampur, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Human Resources Department Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Principal Secretary, Finance Department, Government of Bihar, Patna.
4. The Collector, Bhagalpur.
5. The District Education Officer, Bhagalpur.
6. The Regional Deputy Director of Education, Government of Bihar, Patna.
7. The District Programme Officer (Establishment), Government of Bihar, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yogendra Mishra, Advocate
		Mrs. Swati Mishra , Advocate
For the Opposite Party/s :		Mr.Standing Counsel 28

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 28-11-2025 1. Heard the parties.

2. The present application has been filed for recall of the order dated 28.11.2023 passed in CWJC No. 5441 / 2019 whereby on the prayer for withdrawal made by learned counsel for the petitioner, the writ petition was dismissed as withdrawn by order dated 28.11.2023.

3. Mr. Yogendra Mishra, learned counsel for the petitioner submits that writ petition was filed for grant of senior selection



grade to the original petitioner – Gobind Prasad Chaudhary and to fix salary in the senior selection grade and make payment of the enhanced amount. The original writ petitioner Gobind Prasad Chaudhary died on 26.11.2023 leaving behind his widow namely, Nirmala Chaudhary and two sons.

4. Learned counsel appearing for the original writ petitioner made attempt to contact the original petitioner and got information about his death but he could not contact the deponent because he did not get her contact no. accordingly he made a prayer for withdrawal of the case which was allowed by this court and the writ petition was dismissed as withdrawn. The widow is fully dependent upon the earnings of the original writ petitioner and cause of action survives even after death of the original writ petitioner late Gobind Prasad Chaudhary as on date the prayer for withdrawal was made by learned counsel appearing for the original writ petitioner he was no more available in this world.

5. Considering the aforesaid submissions and the fact that original writ petitioner late Gobind Prasad Chaudhary died on 26.11.2023 i.e. prior to the order upon the prayer for withdrawal was allowed by this court and the fact that right to sue survives i.e. the legal heirs are the wife and sons, accordingly, in the



interest of justice, the order dated 28.11.2023 passed in CWJC No. 5441 / 2019 is recalled.

6. The writ petition i.e. CWJC No. 5441 / 2019 is restored to its original file with liberty to the petitioner of this case to file substitution petition in the original writ petition in accordance with law.

(Anil Kumar Sinha, J)

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