CGHC010400602026 2026:CGHC:45204

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCC No. 987 of 2026

Pooja Motwani D/o Manoj Kumar Motwani, Aged About 33 Years R/o Ward No. 48, Koni Road, Siv Ghat Dubey Marg, Old, Sarkanda, Bilaspur Chhattisgarh.Pin Code,495001.

... Petitioner(s)

SHOAIB ANWAR Digitally signed by SHOAIB ANWAR Date: 2026.10.28 10:19:32 +0530

versus

1 - State Of Chhattisgarh Through- The Secretary Department Of Higher Education Mantralaya, Naya Raipur Chhattisgarh.

2 - Chhattisgarh Public Service Cammission. Through Its Secretary Shankar Nagar Road Raipur Chhattisgarh.

3 - Dinesh Kumar Dewangan S/o Thakur Prasad Dewangan Aged About 38 Years R/o Tikrapara, Raipur District Raipur Chhattisgarh.

... Respondent(s)

(Cause title taken from CIS)

For Petitioner(s)	:	Shri Abhishek Pandey, Advocate
For Respondent/State	:	Shri Gary Mukhopadhyay, Addl. Advocate General
For Respondent no. 2	:	Shri Anand Mohan Tiwari, Advocate appearing through Video Conferencing along with Shri Pratik Vishwakarma, Advocate

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

27.10.2026

1. The present MCC has been filed seeking restoration of WPS No. 244 of 2026, which came to be dismissed for want of prosecution vide order dated 21.09.2026.

2. Learned counsel for the applicant submits that on 21.09.2026, when the writ petition was listed for hearing, none appeared on behalf of the petitioner despite repeated calls, resulting in dismissal of the writ petition for want of prosecution. He further submitted that the non-appearance of learned counsel on the said date was neither intentional nor deliberate, but occurred due to sudden medical exigencies, as the counsel was suffering from high fever and acute viral illness, which rendered him physically incapable of attending the Court proceedings. Learned counsel further submitted that, owing to the suddenness of the medical condition, no alternative arrangement for representation could be made on the said date.

3. Learned counsel for the applicant further submits that the applicant has a prima facie case on merits and that, if the

writ petition is not restored to its original number, the applicant would suffer prejudice, as the matter would remain undecided on merits. It is also submitted that the present application has been filed promptly and is supported by the relevant medical certificate. Accordingly, learned counsel prays for restoration of the writ petition to its original number.

4. I have heard learned counsel for the applicant and perused the material available on record.

5. Considering the facts and circumstances of the case and the explanation furnished for the non-appearance of learned counsel on the date of hearing, this Court is of the view that the applicant deserves an opportunity to pursue the writ petition on its merits. The absence of learned counsel appears to have occurred due to sudden medical exigencies, and the same cannot be said to be intentional or deliberate. In the interest of justice, the order dismissing the writ petition for want of prosecution deserves to be recalled.

6. Accordingly, the MCC is allowed. The order dated 21.09.2026, whereby WPS No. 244 of 2026 was dismissed

for want of prosecution, is hereby recalled, and the aforesaid writ petition is restored to its original number.

7. The MCC stands disposed of accordingly.

Sd/-

(Bibhu Datta Guru)
JUDGE

Shoaib