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19-02-2013

IN THE HIGH COURT OF JUDICATURE AT PATNA
(Miscellaneous Judicial Jurisdiction)

M.J.C.No. _____ of 2013

(Arising out of the order dated 25.7.2007 passed by
Hon'ble Mr. Justice J.N. Singh, J. in C.W.J.C.No.
15455/2004).

Binod Kumar Bharti Petitioner

Versus

The State of Bihar & ors.... Respondents.

Sub : Restoration matter.

I N D E X

<u>Sl.Nos.</u>	<u>D O C U M E N T S.</u>	<u>Page Nos.</u>
1.	Restoration petition dtx with Affidavit.	1 to 5.
2. Annexure-1 :	A Photo/true copy of the order dt. 25.7.07.	6

IN THE HIGH COURT OF JUDICATURE AT PATNA

(Miscellaneous Judicial Jurisdiction)

M.J.C.No. _____ of 2013

**(Arising out of the order dated 25.7.2007 passed by
Hon'ble Mr.Justice.J.N.Singh,J.in C.W.C.No.16455/2004)**

**In the matter of an
application Under Article
226 of the Constitution
of India;**

A n d

In the matter of :-

Binod Kumar Bharti Son of Sri Kameshwar Paswan,

resident of village-Belahi, Via-Budhma,

Police Station and District-Madhepura.

...

...Petitioner

Versus

1. The State of Bihar;

2.

2. The Collector -Cum- District Magistrate, Madhepura;

3. The Deputy Collector, District Establishment,

Madhepura.

.... Respondents.

To,

The Hon'ble Ms. Justice Rekha M. Doshi,

the Chief Justice of the High Court of Judicature at

Patna and Her Companion Justices of the said Hon'ble

Court.

The humble petition on

behalf of the petitioner

above named;

Most Respectfully Sheweth :-

1. That the present application is being filed for Restoration of C.W.J.C.No.16455/2004 to its original file as the same has been dismissed as not pressed vide order dated 25.7.2007 by Hon'ble Mr. Justice J.N. Singh, J. in the aforesaid C.W.J.C.No.16455/2004.

3.

2. That no such application has ever been preferred on behalf of the petitioner anytime earlier than this in the instant matter in this Hon'ble Court.

3. That the aforesaid writ application bearing C.W.J.C.No.16455/04 was filed for setting aside the order as contained in Memo No.245-1/Estt.dated 23.10.2003 issued by the District Magistrate, Madhepura, removing the petitioner from his service.

4. That the said case was listed before Hon'ble Mr.Justice J.N.Singh, but nobody could appear to press the application on behalf of the petitioner and therefore vide order dated 25.7.2007 passed by Hon'ble Mr.Justice J.N.Singh, the aforesaid C.W.J.C. No.16455/2004 was dismissed as not pressed.

The photocopy of the order dated 25.7.07 is Annexure-1 to this Writ petition.

5. That about the aforesaid order the

4.

petitioner got no information and when he came to Patna for knowing about the case he came to learn about the aforesaid order. Then he contacted the lawyer then he was advised to file this petition and thus this petition is being filed.

6. That there is no wilfull lacunes on the part of the petitioner and if the case is not restored to its original file he will suffer a lot.

It is, therefore, prayed that your Lordships may graciously be pleased to allow this application restoring the C.W.J.C.No.16455/2004 to its original file.

And/or

Be further pleased to pass such other order/orders as your Lordships may deem fit and proper.

And, for this, the petitioner shall ever pray.

5.

A f f i d a v i t

I, Binod Kumar Bharti, aged about 40 years,
son of Sri Kameshwar Paswan, resident of village-Belahi,
Via-Budhma, Police Station and District-Madhepura, do
hereby solemnly affirm and state as follows :-

1. That I am petitioner in this case and as
such am fully acquainted with the facts and circumstances
of the case.

2. That the contents of this petition have been
read over and explained to me in Hindi and which I have
fully understood and they are true to my knowledge.

3. That the annexure is true/photocopy of its
original.

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(P. B. C. Sch. III-5)

Serial No. of Order	Date of Order	ORDER WITH SIGNATURE	Office notes as to action (If any) taken on order
03/	25.7.2007	<p>In the High Court of Judicature at Patna</p> <p>C.W.J.C.No.16455 of 2004</p> <p>Binod Kumar Bharti Vrs. The State of Bihar & Ors.</p> <hr/> <p>When the case was called out on 18.7.2007, no body had appeared. Today also when the case is called out, no one appears.</p> <p>Accordingly, this writ application is dismissed as not pressed.</p>	

Sd/- J.N. Singh, J.

A.H.

AUTH NO. 3183 DT/14/12/2006

Handwritten signature/initials

INDIA
 Panchajanya Court
 Patna
 M. P. Ambikapur
 5047

CERTIFIED TO BE TRUE PHOTO COPY

Signature
 17.12.2012
 For Joint Registrar (J)
 Patna High Court
 Revised U/S 76 Act 1 of 1979

Rakesh Kumar
 TY
 17/12/2012
 28/10/9V38