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IN THE HIGH COURT OF JUDICATURE AT PATNA

(MISCELLANEOUS JUDICIAL JURISDICTION)

MJC No.of 2013

(Arising out of CWJC No.-821 of 2006)

Yogendra Das.

.....Petitioner

Versus

The State of Bihar & others.

.....Respondents.

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IN THE HIGH COURT OF JUDICATURE AT PATNA
(MISCELLANEOUS JUDICIAL JURISDICTION)

MJC No.of 2013

(Arising out of CWJC No.-821 of 2006)

In the matter of an application for
restoration under section 151 of the
Code of Civil Procedure

And

In the matter of ;

Yogendra Das, S/o Koshil Das, R/o Village-Bharrahi Bazar, P.S.-
Bharrahi O.P., District-Madhepura.

.....Petitioner

Versus

1. The State of Bihar.
2. The District Superintendent of Education, Madhepura.
3. The Director of Govt. Middle School, Patna.

Filed through. _____
By _____ 30/11/13
(DR BINAY KUMAR SINGH)
KUNWATE

4. The Principal, Govt. Middle School, Bharrahi Bazar, Madhepura.
5. The District Magistrate, Madhepura.
6. The Secretary of Govt. Middle School, Bharrahi Bazar.

.....**Respondents.**

To,

The Hon'ble Ms. Justice Rekha, M. Doshit, the Chief Justice of the High Court of Judicature at Patna and Her companion justices of the said Hon'ble Court.

The humble restoration petition on behalf of above mentioned petitioner

MOST RESPECTFULLY SHEWETH :-

1. That this is an application on behalf of above named petitioner for restoration of CWJC No.-821 of 2006 to its original file which has been dismissed for non-prosecution on 05.05.11 by His Lordship, Mr. Justice Navaniti Prasad Singh.
2. That the writ application has been filed for regularization of the services of the petitioner as peon at Government Middle School, Barrahi Bazar, Madhepura since 1995.

3. That it is respectfully submitted and stated that the advocate on record, for reasons best known to him refused to appear in the case and in a situation like this the petitioner with no option was permitted by the concerned advocate to take back the case file.
4. That an averment to this effect is also reflected from the order dated 05.05.11.
5. That the petitioner who is a poor person with meagre means came to the office of the present advocate and narrated his difficulties and also the injustice done to him by the respondent school authorities.
6. That there is no intentional or deliberate laches on the part of the petitioner and even if there is one, it can be attributed to the erstwhile advocate on record.
7. That if the instant writ application is not restored to its original file, the petitioner shall suffer irreparable and irreversible loss.
8. That the petitioner has good prima facie case in his favour.
9. That considering the helplessness of the petitioner caused due to the apathy of the respondents herein, it is one of the fittest cases for extra ordinary indulgence by this Hon'ble Court at least one more time for the ends of justice.

10. That the petitioner has not filed any other restoration petition earlier.

It is, therefore, prayed that your Lordships may graciously be pleased to allow this restoration petition and restore CWJC No.- 861 of 2006 (Yogendra Das Vs the State of Bihar and others) to its original file

And/ or

pass such other order/ orders as your lordships may deem fit and proper in the facts and circumstances of the case

And for this the petitioner shall ever pray.

Affidavit

I, Yogendra Das, aged about 42 years, S/o Koshil Das, R/o Village-Bharrahi Bazar, P.S.-Bharrahi O.P., District-Madhepura, do hereby solemnly affirm and state as follows :-

1. That I am applicant in the present restoration petition and as such aware of the full facts of the case.
2. That the averments made in the application have been read over to me in Hindi which I have fully understood.
3. That the contents of paragraphs in the application, which have been explained to me are true to the best of my knowledge and belief and that no facts has been suppressed by the deponent.

युगेंद्र दास