

In the High Court of Judicature at Patna

(Miscellaneous Judicial Jurisdiction)

M.J.C. No _____ of 2014

IN

M.J.C.No 5299 of 2012.

(C.W.J.C.No 8188 of 2011

In the matter of ;

an application Under Article
226 of the Constitution of
India.

And

In the matter of ;

Rajeev Kumar S/O Shri Kameshwar Singh

resident of village; Sisauni P.S Harlakhi Dist Madhubani

..... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Bihar
Patna.

2. ~~District Magistrate~~ District Magistrate, Madhubani

3. The District Superintendent of Education, Madhubani

2.

4. The District Education officer ,Madhubani
5. The Block Education Officer, Madhubani.
6. The Mukhiya ,Sisauni Gram Panchyat ,Harlakhi , Madubani
7. The gram Panchayat Sachiv ,Sirsauni Gram Panchayat ,
Harlakhi ,Madhubani.
8. Shri Ajay Kumar S/O Late Ram Bahadur Singh, resident of
village Sisauni P.S Harlakhi Dist Madhubani

.....Respondents

To,

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

The humble restoration petition on
behalf of the petitioner abovenamed.

Most Respectfully Sheweth;

1. That M.J.C. No 5299 of 2012 was placed for heading
Admission on 23.10.2013 before Hon,ble Mr. Justice Ajay Kumar
Tripathi ,His Lordship was pleased to dismiss for default
which is as below.

" it is rather unfortunate that the writ application was
dismissed for non prosecution , similar fate accrues to

3.

to the restoration application , as there is none on call to represent the petition , this court is left with no option but to dismiss the same for default , Counsel for the state is present Resporation application is dismissed for default "

A photo copy of order dtd 23.10.13 is hereby annexed and marked as Annexure-1 to this petition.

2. That the petitioner has not moved earlier in respect to the contents of this application .

3. That it is respectfully submitted that counsel for the petitioner inadvertently could not mark the cause list as he could not appear before this Hon,ble Court on 23.10.2013.

4. That it is respectfully stated that counsel for the petitioner could not appear in the court , was beyond the control of the petitioner, s counsel and as such despite of due diligence it was over look and the petitioner suffers rigrous and begs restoration of restoration.

5. That the petitioner will suffer from irreparable loss and injury ,if resporation application not allowed.

6. That on 05.08.2014 ,the petitioner came to know that M.J.C.No 5299 of 2012 was ~~xxx~~ dismissed for default when on 23.10.2013 the petitioner wanted to confirm status of the case.

7. That there is no laches or deliberate intentism on behalf of the petitioner

4.

It is ,therefore, prayed that
Your Lordship may graciously be
pleased to issue notice to the
respondent to show cause as to why
restoration be not allowed and
after hearing the parties restore
M.J.CNo 5299 of 2012, which is
arising out of C.W.J.CNo 8188/2011
Pass such other order /orders as
may be deemed fit and proper.

And for this, the petitioner shall ever prays.

A F F I D A V I T

I, Shambhu Raj , aged about 40 years S/O Late Ramchandra Singh , resident of Mohalla Ray Hasanpur Chain tola

P.S Kadamkuan Dist Patna, do hereby solemnly affirm and state

1. That I am ~~petitioner~~ advocate clerk in this case fully acquainted with the facts and circumstance of the case.

2. That I have gone through this petition and fully understood the same.

3. That statement made in paragraph no 2,3 4,5.7 are true to my knowledge ,statement made in paragraph No 6 ————— are information derived from official record, rest are submission before this Hon,ble Court.

4. That annexure is photo /true copy of respective original.

**IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.5299 of 2012**

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1. Rajeev Kumar S/O Shri Kameshwar Singh R/O Village - Sisauni, P.S.
Mariakhi, Distt. - Madhubani

..... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Bihar, Patna
2. The District Magistrate, Madhubani
3. The District Superintendent Of Education, Madhubani
4. The District Education Officer, Madhubani
5. The Block Education Officer, Madhubani
6. The Mukhiya Sisauni Gram Panchayat Marakhi, Madhubani
7. The Gram Panchayat Sachiv, Sisauni Gram Panchayat, Marakhi
8. Sri Ajay Kumar S/O Ram Bahadur Singh R/O Village - Sisauni, P.S.
Mariakhi, Distt. - Madhubani

..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar
For the Respondent/s : Mr. V.M.K Sinha Aag13

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

02. 23.10.2013

It is rather unfortunate that the writ application was dismissed for non-prosecution. Similar fate accrues to the restoration application, as there is none on call to represent the petitioner. This Court is left with no option but to dismiss the same for default.

Counsel for the State is present.

Restoration application is dismissed for default.

(Ajay Kumar Tripathi, J.)

SKM/-

