

Chief Justice's Court

Case :- SPECIAL APPEAL DEFECTIVE No. - 484 of 2023

Appellant :- Ajay Mishra And Another

Respondent :- State Of U.P. Thru. Secy. Secondary Education Civil Sectr. U.P. Lko. And Others

Counsel for Appellant :- Anubhav Awasthi, Manoj Kumar Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Jaspreet Singh, J.

Heard Sri Anubhav Awasthi, learned counsel for the appellants and Sri V.P. Nag, learned Standing Counsel for the State-respondents.

By means of this intra-court appeal, the appellants assail the judgment dated 14.09.2022 passed in Writ-A No. 6132 of 2017. The present appeal is also reported to be delayed by 274 days.

The Court has considered the grounds mentioned in the affidavit in support of the affidavit seeking condonation of delay. A feeble attempt has been made to explain the delay in paragraphs no. 3 and 4 of the affidavit which apparently is not quite convincing. Even otherwise, we have also seen the order passed by the learned Single Judge and it appears that even the writ petition itself was filed with huge delay, inasmuch as, an issue of the year 1996 was sought to be raised in the year 2012 i.e. after 16 years.

Apart from the fact that writ petition was dismissed on the ground of laches, the learned Single Judge has also noticed that that the appellants could not substantiate his case regarding grant of prior approval by the District Inspector of Schools and accordingly the writ petition was dismissed.

This Court has also perused the judgment passed by the learned Single and there does not appear too be any error therein. The ground as indicated in the affidavit seeking condonation of delay does not inspire confidence to condone the delay of 274 days.

In view of the aforesaid, the application for condonation of delay bearing C.M.A. No.1 of 2023 is rejected, consequently, the appeal shall stand ***dismissed***.

Order Date :- 19.7.2023

Asheesh

(Jaspreet Singh, J.) (Pritinker Diwaker, CJ.)