

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1562 of 2013
IN
Civil Writ Jurisdiction Case No. 2973 of 1999
Along with
Interlocutory Application No.8567 of 2013
In
Letters Patent Appeal No.1562 of 2013

- =====
1. The State of Bihar.
 2. The Secretary (Secondary Primary and Adult Education Govt. Of Bihar, Patna).
 3. The Director Secondary Education, Government of Bihar, Patna.

.... Respondents-Appellant/s

Versus

1. Most. Jyoti Devi, wife of Late Ram Bahadur Roy (Original Petitioner), Resident of Village- Ghanshyampur P.S.- Ghanshyampur, District- Darbhanga.
2. Swetambhar Jha, S/O Shri Digambarjha, Resident of Vill.- Mohinathur P.S.- Basopatti, District- Madhubani.

.... Petitioners-Respondent/s

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Appearance :

For the Appellants : Mr. Anjani Kumar, AAG-6
For the Respondent No.1 : Mr. Ram Sagar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 28-07-2017

Seeking exception to an order dated 10.05.2000 passed by the Writ Court in Civil Writ Jurisdiction Case No.2973 of 1999, this Appeal has been filed with a delay of about 14 years and, therefore, before going into the merits of the matter, the question of condoning the delay of 14 years has to be looked into. As already indicated hereinabove, the writ petition in question was decided on 10.05.2000 and the judgment was rendered in the light of a Full Bench decision of



this Court rendered in the case of **Project Vidhyalaya Sikshak Sangh versus State of Bihar & Ors.** reported in 2000(1) PLJR 287. The appeal in question was filed on 02.12.2013 and the reasons given for the delay in the application for condonation of delay goes to show that after the judgment was passed, when the order in question was not being implemented in the year 2000 itself, the petitioner, a widowed lady, filed contempt proceedings by initiating MJC No.3601 of 2000 and for 13 years even after the filing of the contempt application nothing was done, show cause and supplementary show causes were filed and challenge was never made to the order in original. On the contrary, it is seen that on 11.09.2013 when the learned Contempt Court directed for implementing the order within four weeks, failing which coercive action shall be taken and when this was not also implemented, on 21.10.2013 an undertaking was given by the competent authority that the order shall be implemented within eight weeks. In stead of implementing the order within eight weeks, on 02.12.2013, this appeal was filed and the only justification given in the application for condonation of delay is that in the year 2006, Hon'ble Supreme Court in the case of **State of Bihar v. Project Uchch Vidya Sikshak Sangh**, reported in 2006 (1) PLJR 483 (SC), has upset the decision, and, therefore the order passed has been challenged.

We are not at all convinced with the explanation given for



the inordinate delay of 14 years in filing of this appeal that also after coercive steps were initiated in the contempt application which itself was pending for more than 13 years.

Taking note of the totality of the circumstances and the manner in which the State has acted in this case pertaining to granting pensionary benefits to a widowed lady, we see no reason to make any indulgence into the matter. The appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
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