

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.689 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 14379 of 2009**

- =====
1. The State of Bihar through The Principal Secretary Department of Health, Govt. of Bihar
 2. The Director, Indigenous Medicine, Department of Health, Govt. of Bihar
 3. The Principal of Sri Dhanwantri Ayurvedic College, Ahirauli, Buxar

.... Appellant/s

Versus

Ashok Kumar Sinha, S/o Late Gopaljee Sahay, R/o of vill.- Shahpurpatti, P.S-
Shahpurpatti, Distt.-Bhojpur

.... Respondent/s

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Appearance :

For the Appellant/s :

For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 07-07-2017

This Letters Patent Appeal indicates a glaring manner in which the appeal has been filed. This appeal under Clause 10 of the Letters Patent has been filed challenging an order passed by the learned Writ Court on 30th of November, 2009 in C.W.J.C. No. 14786 of 2009. I.A. No. 2906 of 2016 has been filed on 8th of April, 2016 indicating that there is a delay of two years and 179 days in filing of this appeal and, therefore, the delay be condoned. Even in the memo of appeal the records indicate that the L.P.A. was prepared and kept ready in the year 2013 but it was not filed in the year 2013,



it was presented in the Court on 07.04.2016, meaning thereby that there is a delay of more than 7 years in filing of this appeal and the delay sought to be condoned is only of two years and 179 days.

The order in question was passed in the year 2009. The appeal prepared in the year 2013 is presented after a period of more than three years in the year 2016 and there is no reasonable explanation for the same, except for contending that other analogous L.P.A. filed stands allowed and, therefore, the appeal has been filed.

We are not inclined to interfere into the matter because of the callous and negligent manner in which this case has been dealt with. If the appeal was prepared in the year 2013, the affidavit was already sworn in the year 2012, there is no reason for keeping it pending and filing it in the year 2016. If in analogous cases appeals were filed and they were pending, the officers concerned should have been vigilant enough in filing of appeal within a reasonable period. Certain rights having accrued to the petitioner within a period of seven years when the matter was kept pending, we are not inclined to interfere into the matter now in view of the aforesaid reasons.

Even though learned counsel indicated that consequences of this would be serious, we are not concerned about the consequences. The negligent manner in dealing with the case



warrants dismissal of the appeal. Therefore, the Letters Patent Appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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