

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.362 of 2017

In
Civil Writ Jurisdiction Case No.13104 of 2013

-
-
1. The State Of Bihar through the Principal Secretary, Education Department, Government of Bihar, New Secretariat, Vikash Bhavan, Patna.
 2. The Director Secondary Education Department, Govt. of Bihar, Bihar Secondary Education Office, Budh Marg, Patna.
 3. The Deputy Director (Secondary Education), In Charge Project Schools, Education Department, Bihar Secondary Education Office, Budh Marg, Patna.
 4. The District Education Officer, District- Nawada.

... .. Appellant/s

Versus

Kriti Kumari, S/o Sri Keshav Prasad, R/o Village- Kawakol, P.O.- Kawakol, P.S.- Kawakol, District Nawada.

... .. Respondent/s

Letters Patent Appeal No. 360 of 2017
In
Miscellaneous Jurisdiction Case No.1108 of 2016

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
3. The Director, Secondary Education Department, Govt. of Bihar, Budh Marg, Patna-1.
4. Regional Deputy Director of Education, Gaya Division, Gaya.
5. The District Education Officer, District- Gaya.

... .. Appellant/s

Versus

1. Maheshwar Prasad Singh, S/o Late Rama Mahto, R/o Village- Bara Dih, P.S.- Barachatti, District- Gaya.



2. The Head Master, Project Kanya Uchh Vidyalay, Barachatti, District- Gaya.

... .. Respondent/s

Appearance :

(In Letters Patent Appeal No. 362 of 2017)

For the Appellant/s : Mr. Avanindra Kumar Jha, Advocate

For the Respondent/s : Mr.

(In Letters Patent Appeal No. 360 of 2017)

For the Appellant/s : Mr. Dinesh Maharaj, Advocate

For the Respondent/s : Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 09-10-2017

These appeals have been filed by the State Government challenging an order passed by the learned Writ Court on 22.5.2015 in C.W.J.C. No.10872 of 2010 and other analogous cases. There was a delay of more than 1 year and 246 days in filing of these appeals and in I.A. No.1382 of 2017 filed in L.P.A. No.362 of 2017, the delay was explained. While considering the question of delay on 22.8.2017, this Court found that the only reason given for condoning the delay is that when the order passed in the writ petition on 22.5.2015 was not being implemented, the employees concerned, who were the original writ petitioners, filed contempt proceedings being M.J.C. No.1087 of 2016 and other cases and when orders were passed in the contempt proceedings on 8.2.2017 and 15.2.2017, taking coercive



steps against the officers concerned, it was only on 23.2.2017 that the appeals were filed. On 22.8.2017, this Court found that the delay of 1 year and 246 days in filing of the appeals has not been properly explained. Merely because contempt proceedings are initiated, that cannot be a ground for condoning the delay. On 22.8.2017, this Court granted time to the Director of Secondary Education, Government of Bihar, Patna, to remain present and answer the queries and to file additional show cause with regard to the delay. On 29.8.2017, the Director, Secondary Education remained present along with the Advocate General and filed a supplementary affidavit raising legal grounds, without explaining the reasons for the delay in filing of the appeals. On the contrary, we are informed today when the matter is taken up that the order passed in the writ petition has been complied with and all benefits granted to the writ petitioners as ordered by the Writ Court.

That being so, as the delay in filing the appeals has not been properly explained, we see no reason to make any indulgence into the matter.

We may clarify that this order shall only be applicable in these appeals. We are not going into the merits or the grounds raised in the appeals. The same are kept open to be considered in an appropriate case. We are inclined to dismiss these



appeals only on account of the fact that the delay in question has not been properly explained and the order passed in the writ petition already stands complied with.

The appeals are accordingly dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	13.10.2017
Transmission Date	

