

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1380 of 2015

In

Civil Writ Jurisdiction Case No. 1656 of 2008

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1. The State of Bihar.
 2. The Secretary cum Commissioner, Health Medical Education and Family Welfare Department, Government of Bihar, Vikas Bhawan, Patna.
 3. The Special Secretary, Health (Medical Education, Family Welfare and Indigenous Medicine) Department, Government of Bihar, Vikas Bhawan, Patna.
 4. The Joint Secretary-cum- Director, Health (Medical Education, Family Welfare and Indigenous Medicine) Department, Government of Bihar, Vikas Bhawan, Patna.
 5. The Principal Secretary cum Commissioner, Finance Department, Government of Bihar, Old Secretariat, Patna.
 6. The Deputy Secretary Department Finance Government of Bihar, Patna
- Appellants

Versus

1. Dr. Ramesh Chandra Prasad, Son of Late Janak Prasad, Lecturer, Department of Physiology, Maharani Rameshwari Bhartiya Chikitsa Vigyan Sansthan (State Ayurvedic College), Mohanpur, P.S.- Sadar Darbhanga, District- Darbhanga.
2. The Principal Maharani Rameshwari Bhartiya Chikitsa Vigyan Sansthan, Mohanpur, P.S.-Darbhanga, District- Darbhanga.

.... Respondents

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Appearance :

For the Appellants : Mr. P. K. Verma, AAG-3
Mr. Suman Kumar Jha, AC to AAG-3

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

2 11-01-2017 Heard learned Additional Advocate General No.3 on the limitation petition, which is I.A. No. 5999 of 2015. The delay is two years and 67 days in moving the appeal. The explanation given is that the file was handed over to the Assistant Counsel of Additional Advocate General No.5 for filing of appeal, but because of his prolonged illness and ultimate demise the appeal



could not be filed.

When a question was put before the State Counsel whether the absence of the so-called assisting Counsel of the State Counsel, who is said to be learned Additional Advocate General No.5, had in any manner brought to a standstill the work of the office of the said Law Officer, obviously, no answer is coming forth. An Assistant Counsel is only an assisting counsel. The responsibility is always of State Counsel to ensure that whatever responsibility is brought upon the office of the Law Officer it is carried out and implemented. It is a sheer case of negligence, if not connivance at one level or other, which is the root cause of delay.

The Court is not satisfied with the reasons assigned. Therefore, the limitation petition is dismissed so is the appeal.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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