

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1301 of 2013

IN

Civil Writ Jurisdiction Case No. 5840 of 2011

- =====
1. The State Of Bihar Through The Principal Secretary, Public Health And Engineering Department, Bishesraiya Bhawan, Patna
 2. The Engineer-In-Chief cum Special Secretary Public Health and Engineering Department, Bishwesraiya Bhawan, Patna
 3. The Chief Engineer, Public Health and Engineering Department, Bishwesraiya Bhawan, Patna
 4. The Superintending Engineer, Public Health and Engineering Circle, Darbhanga
 5. The Executive Engineer, Public Health and Engineering Division, Darbhanga

.... Appellant/s

Versus

1. Damodar Yadav Son of Sri Ramjee Yadav Resident Of Village Asi, P.S. Ghanshayampur, District - Darbhanga
2. Mohan Choudhary Son of Late Mahesh Narayan Choudhary Resident of Village Aihyari, P.S. Kamtaul, District - Darbhanga
3. Chandeshwar Mishra Son of Late Jageshwar Mishra Resident of Village - Pali, P.S. Ghanshayampur, District - Darbhanga
4. Ram Jatan Thakur Son of Sri Jay Narayan Thakur Resident of Village Shivasinghpur, P.S. Ashok Paper Mill, District - Darbhanga

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Khurshid Alam, AAG 12
Ms Nutan Sahay, AC to AAG 12

For the Respondent/s : Mr. G.K.Jha
Mr S.K.Jha

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 06-04-2017

I.A. No.2343 of 2017 has been filed on behalf of the respondents for vacating the stay dated 14.2.2017. The reason for doing so is that the appeal, which has been filed, arises from an order of the learned Single Judge dated 19.10.2012, which was allowed on



the basis of an order passed in CWJC No.7178 of 2010. When the matter was taken up on 14.2.2017, the State counsel categorically took a stand before the Division Bench that the LPA No.409 of 2012 arising from CWJC No.7178 of 2010 was pending and there was an order of stay. We granted stay on that basis.

From perusal of I.A. No.2343 of 2017, a copy of which was served on the State counsel, an order dated 20.10.2016 of the Division Bench has been annexed where all the LPAs preferred by the State of Bihar have been dismissed, including LPA No.409 of 2012. This order was passed way back on 20.10.2016 but the Court was made to believe by the State counsel on 14.2.2017 that the appeal was still pending for adjudication and there was an order of stay.

Such casual approach to litigation and assistance should not be given indulgence and the Court is constrained to record that the State or the counsels representing the State are not vigilant and updated enough while assisting the Courts, which led to passing of an order, which ought not to have passed in the very first place. It was a fit case where the Court was inclined to impose suitable cost upon State authorities for not only misleading the Court but also wasting valuable judicial time. However, on an earnest submission made on behalf of the state counsel that such a conduct will not be repeated and they would be extra careful in making submissions at the time of



assistance, the cost component is ignored but with a caution and warning to one and all State counsels since the Court has noticed casual approach in assistance in pending litigations by most of the State counsels.

In view of the order dated 20.10.2016 passed in the batch of LPAs, including LPA No.409 of 2012, for the same reason and rationale, even the present appeal is dismissed. The order of stay stands vacated.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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