

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13259 of 2014

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1. Vishwa Nath Singh son of Kapildeo Singh resident of Vill. Sandha Newaji Tola P.S. Chapra Distt. Saran.
 2. Punyadeo Chaudhary son of late Raghunath Chaudhary resident of village Mubarakpur P.S. Garkha Distt. Saran.
 3. Surendra Kumar Singh son of Sheodhyan Singh resident Vill, Umdha P.S. Chapra Distt. Saran.
 4. Satyadeo Singh son of Ram Bilas Singh village Itahia P.S. Chapra Distt. Saran.
 5. Parshuram Kuar son of Shyam Sunder Kuar resident of village Sareya Pithauri, P.S. Baniapur Distt. Saran.
 6. Krishna Nand Singh son of Kailash Singh resident of Bansi Chapra P.S. Rasoolpur, Distt. Saran
 7. Brij Bihari Singh son of Kapildeo Singh resident of Vill. Newajitola P.S. Chapra Distt. Saran
 8. Raghuram deceased through his legal heir Smt. Shanti Kuar resident of Vill. Makhdumganj P.S. Chapra Distt. Saran.

... .. Petitioner/s

Versus

1. The Chancellor Universities of Bihar, Chancellor's Secretariat, Raj Bhawan, Patna.
2. J.P. University through the Vice Chancellor, Jai Prakash Narayan University, At & P.O. Chapra , Distt. Saran.
3. The Principal Jaglal College At & P.O. Chapra Distt. Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Nand Kishore Singh, Advocate Mr. Jitendra Kumar, Advocate
For the University	:	Mr. Humayu Ahmad Khan, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 27-08-2018

Heard learned counsel for the petitioner and learned counsel appearing on behalf of the respondents.

2. Learned counsel for the petitioner submits that the instant case the matter was heard by the Hon'ble Chancellor on different dates and lastly on 25.04.2014 but the order was passed by the Hon'ble Chancellor on 01.01.2014 i.e. nearly after one year.



He submits that time gap between hearing and the order indicates that the Hon'ble Chancellor has not decided the appeal on true appreciation of facts. He submits that the Apex Court in matters where the judgments are reserved and judgment not delivered within a reasonable time has already held out that decision in such cases are vitiated. In the case of **Bhagwandas Fatechand Daswani and others Vs. H.P.A. International and others: (2000) 2 SCC 13 = AIR 2000 SC 775**, in para 3, the Apex Court held out as follows:-

“3. Learned Attorney General appearing for the appellants urged that, before the High Court, the hearing of the appeal was concluded on 22-3-1989 but the judgment was delivered on 24-1-1994 — nearly five years after the hearing was concluded, and this long delay in delivery of judgment by itself is sufficient to set aside the judgment under appeal. Learned Attorney General has also relied upon the decision of this Court in the case of Kunwar Singh v. Sri Thakurji Maharaj 1995 Supp 4 SCC 125. At present, we are not disposed to go into this broad question as urged by the learned Attorney General. However, it is correct to this extent that a long delay in delivery of judgment gives rise to unnecessary speculations in the minds of parties to a case. Moreover, the appellants whose appeals have been dismissed



by the High Court may have the apprehension that the arguments raised at the Bar have not been reflected or appreciated while dictating the judgment — nearly after five years. This is fairly not disputed by learned Senior Counsel, Shri K. Parasaran appearing for Respondent 1. We, therefore, on this short question, set aside the judgment under appeal without expressing any opinion on the merits of the case and remit the case to the High Court for deciding the appeal afresh, on merits. In view of the fact, that the matter has been pending for a considerable period of time, we request the High Court to decide the matter expeditiously, if possible, within six months.”

Similar view was expressed by this Court in the case of **Anil Rai Vs. The State of Bihar, reported in (2001) 7 SCC 318**. Paras 9 and 10 is relevant for this purpose, which is quoted below:-

“9. It is true, that for the High Courts, no period for pronouncement of judgment is contemplated either under the Code of Civil Procedure or the Criminal Procedure Code, but as the pronouncement of the judgment is a part of justice dispensation system, it has to be without delay. In a country like ours where people consider the Judges only second to God, efforts be made to strengthen that belief of the common man. Delay in disposal of the cases



facilitates the people to raise eye-brows, some time genuinely which, if not checked, may shake the confidence of the people in the judicial system. A time has come when the judiciary itself has to assert for preserving its stature, respect and regards for the attainment of the Rule of Law. For the fault of a few, the glorious and glittering name of the judiciary cannot be permitted to be made ugly. It is the policy and purpose of law, to have speedy justice for which efforts are required to be made to come to the expectation of the society of ensuring speedy, untainted and unpolluted justice.

10. Under the prevalent circumstances in some of the High Courts, I feel it appropriate to provide some guidelines regarding the pronouncement of judgments which, I am sure, shall be followed by all concerned, being the mandate of this Court. Such guidelines, as for present, are as under:

(i) The Chief Justices of the High Courts may issue appropriate directions to the Registry that in case where the judgment is reserved and is pronounced later, a column be added in the judgment where, on the first page, after the cause-title, date of reserving the judgment and date of pronouncing it be separately mentioned by the court officer concerned.

(ii) That Chief Justice of the High Courts, on their administrative side, should direct the Court Officers/ Readers of the various Benches in the High Courts to furnish every month the list of cases in the matters



where the judgments reserved are not pronounced within the period of that months.

(iii) On noticing that after conclusion of the arguments the judgment is not pronounced within a period of two months, the concerned Chief Justice shall draw the attention of the Bench concerned to the pending matter. The Chief Justice may also see the desirability of circulating the statement of such cases in which the judgments have not been pronounced within a period of six weeks from the date of conclusion of the arguments amongst the Judges of the High Court for their information. Such communication be conveyed as confidential and in a sealed cover.

(iv) Where a judgment is not pronounced within three months, from the date of reserving it, any of the parties in the case is permitted to file an application in the High Court with prayer for early judgment. Such application, as and when filed, shall be listed before the Bench concerned within two days excluding the intervening holidays.

(v) If the judgment, for any reason, is not pronounced within a period of six months, any of the parties of the said lis shall be entitled to move an application before the Chief Justice of the High Court with a prayer to withdraw the said case and to make it over to any other Bench for fresh arguments. It is open to the Chief Justice to grant the said prayer or to pass any other order as deems fit in the circumstances.



3. In view of the above, the order of the Hon'ble Chancellor dated 1.5.2014, contained in Annexure-2 is set aside. The matter is remanded back to be heard and decided afresh in accordance with law expeditiously as the present case is an old matter.

4. The petitioner would be at liberty to supplement the appeal by way of filing additional affidavit to place on record additional documents for the proper assistance to the Hon'ble Chancellor for deciding the appeal.

5. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.08.2018
Transmission Date	

