

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.295 of 2018

In
Civil Writ Jurisdiction Case No.6581 of 2013

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Bijendra Yadav @ Bijendra Prasad Yadav, Son of late Baldeo Prasad Yadav
Resident of Village Panjwara P.S. and District Banka

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary Rural Development
Department Government of Bihar New Secretariat Patna
2. The District Magistrate, Banka
3. The District Development Commissioner, Banka, Bihar
4. The District Provident Fund Officer, Banka Bihar
5. The Treasury Officer, District- Banka, Bihar
6. The Block Development Officer, Katoria District Banka
7. The Block Development Officer, Rajaoun District Banka
8. The Accountant General Bihar Bir Chand Patel Marg, Patna

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Jagadish Prasad Bhagat, Advocate
		Mr. Bijendra Kumar Singh, Advocate
For the Respondent/s	:	Mr. Anjani Kumar, AAG-4

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

5 21-12-2018 Heard Shri Jagadish Prasad Bhagat, learned counsel

for the appellant and Shri Anjani Kumar, learned Additional

Advocate General for the State.

2. There is a chequered history of this litigation and
which is evident from the following orders:-

(a) C.W.J.C. No. 3379 of 2012, disposed of on
21.02.2012;

(b) M.J.C. No. 5891 of 2012, disposed of on



25.06.2014;

(c) C.W.J.C. No. 13125 of 2012, disposed of on
24.07.2012;

(d) C.W.J.C. No. 12288 of 2014, disposed of on
21.03.2017;

(e) L.P.A. No. 702 of 2017, disposed of on
19.12.2017.

3. It is in this background that the appellant has now come up assailing the judgment dated 5th March, 2014 in the present appeal which is reported to be highly belated by 3 years, 9 months and 26 days.

4. In the affidavit filed in support of the Limitation Application, it is contended that a pure question of law has to be decided by the Court and, therefore, the delay should be condoned. In Paragraph 5 it has been stated that the lawyer in his innocence not having much experience of work filed one writ petition after the other and, therefore, this litigation should not be preempted by the technicalities of limitation.

5. From the orders that have been referred to by us hereinabove, we find that detail indications have been given and it also appears that the lawyers who had earlier conducted the matter could not be underestimated about their capacity to



understand the outcome of the litigation keeping in view the fact that the appellant was aware of the rejection of his representation when the contempt application was disposed of on 25th June, 2014.

6. In the given circumstances, we do not find any sufficient cause having been shown to condone the delay inasmuch as the appellant was pursuing the litigation on legal grounds that were available to him and, therefore, to take the plea that he did not have any sound legal advise, does not appear to be correct. The affidavit, therefore, filed in support of the delay condonation application does not inspire confidence. The delay condonation application (I.A. No. 1718 of 2018) stands rejected and consequently the appeal also stands rejected accordingly.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

P.K.P./-Priyanka

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