

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1514 of 2017

In

Civil Writ Jurisdiction Case No. 16410 of 2010

- =====
1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
 2. The Joint Secretary, Education Deptt. Govt. of Bihar, Patna.
 3. The Director, Primary Education, Govt. of Bihar, Patna.
 4. The District Education Officer, Samastipur.
 5. The District Programme Officer (Est.), Samastipur.
 6. The Block Education Extension Officer, Sarairanjan, District - Samastipur.
 7. The Headmaster Upgraded Middle School Chahlad, Sarairanjan, District - Samastipur.

.... Appellants

Versus

Asha Kumari @ Smt. Asha Kumari D/o Rameshwar Ram resident of Village + P.O. - Mohanpur, District - Samastipur.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Manoj Kumar Ambastha, SC-26
Mr. Tripurari Nath Ambastha, AC to S C 26
For the Respondent/s : Mr. Vishnukant Dubey, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

5 08-08-2018

Re: I.A.No. 7758/2017

This interlocutory application under section 5 of the Limitation Act is filed for condonation of delay of 1 years and 218 days in filing the appeal.

We have heard Mr. Manoj Kumar Ambastha, learned SC 26 for the State and Mr. Vishnukant Dubey, learned Counsel for the respondent-writ petitioner.

Except for a submission that there is no deliberate delay on the part of the appellant - State in filing the appeal, no



explanation worth consideration is present in the condonation application which would persuade us to condone the delay of one year and 218 days. If the law prescribes a limitation period for filing the intra-Court appeal, it has to be strictly adhered to and the parties are expected to abide by it unless cause is shown that the party was precluded from invoking the jurisdiction of the appellate Court in time. Paragraph 8 of the limitation petition is the explanation given to delay of about 1 year and 218 days and which absolutely fails to justify such excessive delay for inviting condonation.

In so far as the order of the learned Single Judge put to question in this appeal is concerned, we would reserve our opinion whether, in the nature of the direction issued by the learned Single Judge, it would constitute a judgment to maintain an appeal.

For the discussions above, this limitation petition is dismissed. Consequently, the Letters Patent Appeal is dismissed in limine.

(Jyoti Saran, J)

(Chakradhari Sharan Singh, J)

Archana/Surendra

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