

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 743 of 2018**

{Arising out of order dated 16.04.2010 passed by learned Single Judge in Writ Petition (S) No. 1987 of 2005}

- Gopal Patre, S/o Late Shri Angad Patre, aged about 52 years, employed on the post of Gardner, In the office of Principal, Government Science College, Raipur (M.P.) now (C.G.), R/o behind Sadharam Pipe Factory, Laxmi Narayan Temple Road, Kota, Raipur (C.G.)

---- Appellant**Versus**

1. State of Madhya Pradesh Now State of Chhattisgarh, Through Department of Higher Education through its Principal Secretary, Mantralay, Vallabh Bhawan, Bhopal (M.P.) now State of C.G. through Department of Higher Education through its Principal Secretary, Mantralay, Mahanadi Bhawan, New Raipur (C.G.)
2. The Commissioner, Higher Education, Government of Chhattisgarh, Raipur (C.G.)
3. The Additional Commissioner, Higher Education, Raipur – Bastar Division Raipur (C.G.)
4. The Principal, Government Model Science College, Raipur (C.G.)

---- Respondents

For Appellant	:	Shri Manoj Dubey, Advocate.
For Respondents/State	:	Shri Prasun Bhaduri, Government Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**Hon'ble Shri Justice Parth Prateem Sahu****Judgment on Board****Per Ajay Kumar Tripathi, Chief Justice****02.11.2018**

1. The default pointed out by the Office stands rectified since the covering memo now meeting the default has been filed and it is placed on record.
2. Heard counsel for the Appellant and learned Government Advocate for the State.

3. There is an extraordinary delay of 3008 days in preferring the appeal against the order dated 16.04.2010 passed by the learned Single Judge.
4. The reasons given by him in the condonation application is that the case was originally registered in Madhya Pradesh State Administrative Tribunal, Jabalpur. Case was assigned to a particular lawyer who shifted his practice to Bilaspur after creation of Chhattisgarh High Court. The Original Applications were converted into writ application in the year 2003. He used to be in touch with his lawyer every few years. Ultimately, even his lawyer passed away and he had no information about the order passed on 16.04.2010 by the learned Single Judge.
5. The explanations cannot be accepted on the face value for condonation of delay of such magnitude, because even as a prudent man, he cannot be expected to wait for almost 8 years to find out as to what exactly happened to his case, especially when it was a writ application, not a civil suit.
6. We are not satisfied that any ground for condonation of delay is made out. IA No. 1 of 2018, application for condonation of delay is rejected.
7. Consequently, the writ appeal is dismissed on that ground alone.

Sd/-

(Ajay Kumar Tripathi)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge