

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No. 1245 of 2018
In
Civil Writ Jurisdiction Case No. 1560 of 2017

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Sajda Khatoon daughter of Habibullah Ansari, resident of Jamadar Tola, Ward No.41, P.O. and P.S.- Bettiah, District- West Champaran.

... .. Appellant

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The District Magistrate, West Champaran at Bettiah.
3. The District Education Officer, West Champaran, Bettiah.
4. The District Program Officer, Establishment, West Champaran, Bettiah.
5. The Block Education Officer, Bettiah Block, West Champaran. Champaran.
6. The Headmistrees, Madhya Vidyalaya, Jamadar Tola, Bettiah, District- West Champaran.

... .. Respondents

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Appearance :

For the Appellant/s	:	None
For the Respondent/s	:	Smt.Shilpa Singh -Ga12 Sri Ranjan Kumar, AC to GA-12

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

3. 14-01-2020 No one appears on behalf of the appellant on repeated call. Learned A.C. to Govt. Advocate – 12 appearing for the State is present.

I.A. No. 6797 has been filed on behalf of the appellant under Section 5 of the Limitation Act for condonation of delay in filing this appeal. The office has reported that there is delay of 119 days, whereas, as per calculation of the appellant, the delay in filing this appeal is only of 90 days.



The appellant claims that the impugned order was uploaded on 31-05-2018 and when the impugned order was uploaded, she came to know about the impugned order, but she was fallen ill and when she overcame from her ailment, she handed over the relevant documents to her counsel and thereafter, the present appeal was filed on 29-08-2018.

The perusal of impugned order goes to show that the impugned order was passed on the prayer of the appellant, and therefore, it cannot be said that she was not aware about the impugned order.

Considering the aforesaid facts and circumstances as well as submission advanced on behalf of the State, we do not think it proper to condone the delay in filing this appeal, because the delay in filing the appeal has not properly been explained and accordingly, the interlocutory application i.e. I.A. No. 6797 of 2018 stands rejected. As a result whereof, this appeal too stands dismissed, being time-barred.

(Hemant Kumar Srivastava, J.)

(Prabhat Kumar Singh, J.)

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