

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.47 of 2020

In

Civil Writ Jurisdiction Case No.273 of 2018

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1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
 2. The Principal Secretary, Education Department, Government of Bihar, Patna
 3. The Director, Higher Education, Education Department, Government of Bihar, Patna
 4. The District Education Officer, Vaishali at Hajipur, District- Vaishali at Hajipur
 5. The Treasury Officer, Vaishali at Hajipur, District- Vaishali at Hajipur

... .. Appellant/s

Versus

Vidya Devi Wife of Late Chandradeo Singh, Resident of Village- Amrour,
P.s.- Singhoul, District- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Prabhakar Jha, G.P. 27 Mr. Mukund Mohan Jha, AC to GP 27
For the Respondent/s	:	Mr. S.B.K. Manglam, Advocate Mr. Awnish Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

2 04-09-2021

I.A. No.2 of 2020

The instant Interlocutory Application has been filed
for condonation of delay of 216 days in filing the present
appeal.

Without application of mind, in a stereo type



manner, the application has been prepared, bereft of material facts and particulars, explaining each day's delay.

Relevant portions of the application are reproduced as under:-

3. That after receiving the document the Joint Director (Secondary Education) sent the file to the Director, Secondary Education on 10.07.2019 for the legal

opinion with regards to file L.P.A. against the order dated 07.05.2019 passed in CNJC No. 273/2018.

4. That on 17.07.2019 the Director, Secondary Education sent the file to law department to file L.P.A. against the order dated 07.05.2019 passed in CNJC No. 273/18.

5. That on 23.07.2019 the file sent to the Advocate General Office, Bihar, Patna for the legal opinion with regard to the filing L.P.A. against the order dated 07.05.2019 passed in CNJC No. 273/2018.

6. That on 12.12.2019, the learned Government Pleader No.27, Patna High Court returned the file to the Advocate General Officer rendering his legal opinion that Letters Patent Appeal may file against the order



dated 07.05.2019 passed in CWJC No. 273/2018.

7. That on 19.12.2019 the department has received the file from the Advocate General Office, Government of Bihar, Patna.

8. That on 06.01.2020 the statement of facts for filing L.P.A. in the office of Advocate General Office, thereafter, learned Government Pleader No.27 started process for filing of the present memo of appeal and hence this application.

9. That in view of the day to day explanation given for delay in preferring the present L.P.A. it would be crystal clear that delay of filing of the instant L.P.A. is



not deliberate and intentional rather it has been occurred due to official process of file movement and the circumstances of the legal process.

10. That the appellants have good case and is full of merit based on good grounds and if the delay in filing of the instant memo of appeal is not condoned, the appellant will suffer irreparable loss and heavy burden on state ex-chequer which cannot be compensated in any manner.

As such, we do not find any reason, sufficient enough to condone the delay, for each day's delay has not been explained, much less sufficiently explained by the appellants.

The delay of 216 days in filing the appeal remains unexplained. As such, Interlocutory Application No. 1 of 2020 stands dismissed.

Re: L.P.A. No. 47 of 2020

Appellants lay challenge to the impugned judgment/order dated 07.05.2019 passed by a learned Single



Judge of this Court in CWJC No. 273 of 2018, titled as Vidya Devi Vs. The State of Bihar & Ors.

In any event, we see no reason to interfere, much less by the State Government for the matter already stood settled before the Lok Adalat inter se the private parties with regard to the retiral benefits of the husband of the writ petitioner.

In view of dismissal of the Interlocutory Application No. 1 of 2020, the instant Letters Patent Appeal also stands dismissed.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

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