

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.559 of 2019

In
Civil Writ Jurisdiction Case No.15870 of 2015

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1. The State of Bihar through Bihar
 2. The Commissioner Department of Public Health Engineering Department, Government of Bihar, Patna
 3. The Secretary Department of Public Health Engineering Department, Government of Bihar, Patna
 4. The Chief Engineer Department of Public Health Engineering Department, Government of Bihar, Patna
 5. The Chief Engineer (Design) Department of Public Health Engineering Department, Government of Bihar, Patna
 6. The Principal Secretary Public Health Engineering Department, Government of Bihar, Patna
 7. The Joint Secretary Department of Public Health Engineering Department, Government of Bihar, Patna
 8. The Superintending Engineer Public Health Engineering Circle, Purnea
 9. The Executive Engineer Public Health Engineering Division, Purnea
 10. The Chief Engineering (Mechanical) Public Health Engineering Department, Government of Bihar, Patna
 11. The Assistant Engineer Public Health Engineering Sub-Division, Dhamdaha, Purnea
 12. The Block Development Officer-cum-Executive Officer Panchayat Samiti, Dhamdaha, Purnea

... .. Appellant/s

Versus

Md. Manzar Imam N/A

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. S. Raja Ahmad, AAG- 5
		Mr. Alok Ranjan, AC to AAG-5
For the Respondent/s	:	Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(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.)

Date : 04-09-2021

Re: I.A. No. 1 of 2019

The instant Interlocutory Application has been filed for condonation of delay of **1 year and 257 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:-

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4. That the preparing statement of facts for filing LPA the file has been handed over to the departmental advocate on 28.08.2018. The same has been returned by the departmental advocate on 10.09.2018.
 5. That after receiving of the statement of facts on 31.01.2019 the file has been placed before Departmental Secretary for approval of statement of fact.
 6. That the Departmental Secretary has approved the statement of facts on 01-02-2019.



7. That on 01-02-2019 the file has been sent to the Law Department for obtaining necessary consent for filing of LPA.
8. That on 12-02-2019 the file has been sent by the Law Department to the office of Learned Advocate General.
9. That the Learned Advocate General has endorsed the file in the office of learned S.D.J. on 12-02-2019.
10. That it is stated from the fact stated above that delay occurred due to process of official decision and not due to deliberate or willful

latches on the part of the appellants and such delay is fit to be condoned.

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 **1 year and 257 days** in filing the appeal remains unexplained.

As such, Interlocutory Application No. 1 of 2019 stands dismissed.



Re: L.P.A. No. 559 of 2019

Appellants lay challenge to the impugned judgment dated 20th of July, 2017 passed by a learned Single Judge of this Court in CWJC No. 15870 of 2015, titled as Md. Manzar Imam Vs. The State of Bihar & Ors.

In view of dismissal of the Interlocutory Application No. 1 of 2019, the instant Letters Patent Appeal also stands dismissed.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	08.09.2021
Transmission Date	

