

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.915 of 2019
In
Civil Writ Jurisdiction Case No.6183 of 2018

1. The State Of Bihar through the Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna.
2. The Engineer-in-Chief, Public Health Engineering Department, Bihar, Patna.
3. The Executive Engineer, P.H. Division, Gopalganj.
4. The Superintending Engineer, P.H. Circle, Gopalganj.

... .. Appellant/s

Versus

1. Ranjeet Kumar Srivastava Son of Late Kashi Prasad Srivastava Resident of Village- Dubey Bataraha, Police Station- Uchakagaon (Phulwaria), District- Gopalganj.
2. Sri Lal Babu Prasad Son of Late Paramhans Prasad Resident of Village- Mirganj, Police Station- Hathua, District- Gopalganj.
3. Sri Shivnath Singh Son of Late Singhasan Singh Resident of Village- Rampur Kharia, Police Station- Kuchaikot, District- Gopalganj, retired as Nalkup Khalasi from P.H. Division, Gopalganj.
4. Sri Raj Ballabh Choudhary Son of Late Bhagarashan Choudhary Resident of Village- Moje Ekdanga, Police Station- Mirganj, District- Gopalganj, retired as Nalkup Khalasi from P.H. Division, Gopalganj.
5. Sri Shivpujan Singh Son of Late Harinandan Singh Resident of Village- Maranpur, Police Station- Barouli, District- Gopalganj, Retired as Nalkup Khalasi from P.H. Division, Gopalganj.
6. Sri Jaynath Singh Son of Late Devbadur Singh Resident of Village- Khulasa, Police Station- Jamobazar, District- Siwan, retired as Nalkup Khalasi from P.H. Division, Gopalganj.
7. Sri Krishna Kant Singh Son of Sundradev Singh Resident of Village- Bhalua, Police Station- Baraharia, District- Siwan, retired as Nalkup Khalasi from P.H. Division, Gopalganj.
8. Sri Mirja Ram Son of Late Nathuni Ram Resident of Village- Narahawa Shukul, Police Station- Gopalpur, District- Gopalganj.
9. The Additional Secretary, Finance Department, Government of Bihar, Patna.
10. The Accountant General, Bihar, Birchand Patel Marg, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. S. Raza 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 **211 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 after receiving of the statement of
facts on _____ the file has been
placed before Departmental Secretary for
approval of statement of fact.



5. That the departmental secretary has approved the statement of facts on _____.
6. That on _____ the file has been sent to the law department for obtaining necessary consent for filing of LPA.
7. That on _____ the file has been sent by the Law Department to the office of Learned Advocate General.
8. That the Learned Advocate General, has endorsed the file to the office of Learned _____ on _____.
9. That it is stated from the fact stated above that delay occurred due to process of official decision and not due to deliberate or wilful 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 **211 days** in filing the appeal remains



unexplained.

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

Re: L.P.A. No. 915 of 2019

Appellants lay challenge to the impugned judgment dated 3rd of December, 2018 passed by a learned Single Judge of this Court in CWJC No. 6183 of 2018, titled as Sri Ranjeet Kumar Srivastava & Ors. 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	

