

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.72 of 2019

In

Civil Writ Jurisdiction Case No.11240 of 2017

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1. The State Of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna.
 2. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
 3. The Commissioner-cum-Secretary, Road Construction Department, Government of Bihar, Patna.
 4. The Joint Secretary, Road Construction Department, Government of Bihar, Patna.
 5. The Deputy Secretary-cum-Chief Vigilance Officer, Road Construction Department, Government of Bihar.
 6. The Executive Engineer (Monitoring), Road Construction Department, Government of Bihar, Patna.

... .. Appellant/s

Versus

1. Raj Kishore Sinha, S/o Late Chandrika Prasad Sinha, R/o Mohalla-Rasikpur, P.O.- Dumka, P.S.- Dumka, District- Dumka (Jharkhand).
2. The Senior Project Engineer, Bihar State Bridge Construction Corporation Ltd., Works Division, Saharsa.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravi Bhardwaj, AC to GA 13
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 11-07-2022

Heard learned counsels for the parties.



2. The present L.P.A No. 72 of 2019 is filed by the State of Bihar. The appellants have questioned the validity of the order dated 18.05.2018 passed in C.W.J.C No. 11240 of 2017 whereas the present petition was presented belatedly after 205 days for which I.A. No. 249 of 2019 is presented. In paragraph Nos. 3 to 10 of I.A. No. 249 of 2019, it is narrated that the file was tossed from one section to another section and one department to another department. In other words, reasons in filing belatedly is as usual.

3. It is to be noted that filing of a belated appeal is not by an individual and it is by State. All the Heads of the department and secretariat officers were aware of the fact that if any L.P.A is to be filed against the order of the learned Single Judge in a writ petition, they were required to file within a period of time limit. In other words, they are not layman so as to file belated L.P.A. That apart one can understand there is delay of about a month or so. On the other hand, in the present case there is a delay of 205 days. Apex Court in the following two decisions deprecated delay in filing litigation i.e. *State of Madhya Pradesh and Others vs. Bherulal* reported in (2020) 10 SCC 654. Further in latest decision namely *Municipal Corporation of Greater Mumbai and Others vs. Uday N. Murudkar* reported in (2021) 11 SCC 816.



The aforesaid decisions aptly applicable to the case in hand on the question of delay in filing of L.P.A.

4. Accordingly, I.A. No. 249 of 2019 for condonation of delay of 205 days stands rejected. In the result. L.P.A No. 72 of 2019 stands dismissed.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
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