

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.275 of 2020
In
Civil Writ Jurisdiction Case No.15718 of 2019

1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Director Primary Education Govt. of Bihar, Patna.
4. The District Education Officer, Katihar, District Katihar.
5. The District Programme Officer (Establishment), East Champaran, Motihari.
6. The Block Education Officer, Balrampur, Dist. Katihar.
7. The Member District Teachers Employment Appellate Authority, Katihar.

... .. Appellant/s

Versus

1. Dharmendra Kumar Paswan S/o Sahdeo Paswan Resident of Village Gandhi Tola, PO Manihari, P.S. Manihari, Dist. Katihar.
2. Shankar Paswan S/o Bindeshwari Paswan Resident of Village Kulla Khas, PO Kula Khas, PS Kaswa, Dist. Purnea.
3. Ajay Kumar Sah S/o Late Rash Bihari Sah Resident of Village Manihari High School, Road No. 12, PO and PS Manihari, Dist. Katihar.
4. Pankaj Kumar S/o Jagarnath Paswan Resident of Station Colony, PO and PS Manihari, Dist. Katihar.
5. Sambhu Baskor S/o Yogendra Baskor Station Colony, PO and PS Manihari, Dist. Katihar.
6. Md. Rakib S/o Soukat Ali Resident of Village Maniharpur, PO Narayanpur, PS Manihari, Dist. Katihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Kumar, Advocate
For the Respondent/s : Mr. Brisketu Sharan Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER
(Per: HONOURABLE Mr. JUSTICE P.B. BAJANTHRI)

2 12-07-2022

None appears for the appellants.



Heard I.A No. 02 of 2021.

I.A No. 02 of 2021 has been filed for condonation of delay of 319 days in filing the present appeal. Sufficient cause has not been shown to condone the enormous delay of 319 days.

Perusal of the reasons it is stated as usual. The file was passing from one desk to another desk and one department to another department. In such circumstances, delay cannot be condoned. Moreover, recently Hon'ble Apex Court in the case of **Union of India Vs. Balbir Singh & Anr.** reported in **(2000) 10 SCC 611** and **Union of India & Ors. vs. M. Duraisamy** reported in **2022 (2) PLJR SC 383** deprecated filing of belated appeal on behalf of State authorities. In fact, the Hon'ble Apex Court while dismissing petition imposed cost also.

Moreover, on merits the learned Single Judge has only given a direction to consider the grievance of the contesting respondent in accordance with the relevant rules instead of considering and passing a suitable order and communicating the same to the contesting respondents they have preferred this belated appeal.

Accordingly, the appeal stands dismissed with cost of Rs. 5,000/- (Five Thousand). Cost shall be deposited in the



Patna High Court Legal Services Committee within a period of
four weeks from the date of receipt of this matter.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

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