

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.126 of 2016

State of Odisha and others

....

Appellants

Mr. Ramanath Acharya,
Standing Counsel for School and Mass Education Department
-versus-

Suryakanti Dash and others

....

Opposite Parties

None

**CORAM:
THE CHIEF JUSTICE
JUSTICE M.S. RAMAN**

Order No.

**ORDER
13.12.2022**

Misc. Case No.199 of 2016

02. 1. There is a delay of 301 days in filing the appeal, which is not explained at all properly. The delay is purely on account of administrative reasons, which has not been acceptable even by the Supreme Court of India. In a series of judgments including the case of *Office of the Chief Post Master General v. Living Media India Ltd. (2012) 3 SCC 563* and the subsequent judgment in the case of *State of Madhya Pradesh v. Bherulal (2020) SCC OnLine SC 849*, the Supreme Court has insisted on proper explanation by the State for the delay in filing its appeal. Accordingly, this Court declines to condone the delay in filing the appeal. The application is dismissed.

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2. Consequently, the appeal is dismissed on the ground of delay. Nevertheless, the question of law is left open for decision in some other appropriate case.

(Dr. S. Muralidhar)
Chief Justice

(M.S. Raman)
Judge

M. Panda

