

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No. 1041 of 2018

In

Civil Writ Jurisdiction Case No.7113 of 2011

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-
1. The State of Bihar
 2. The Director, Madhyamik Shiksha, Government of Bihar, Buddha Marg, Patna- 800001.

... .. Appellant/s

Versus

Keshari Nandan Singh, S/o Late Shambhu Prasad Singh, Acting Headmaster, Shri Vidya Sundar High School, Amlori Sarsar, P.S.- Mufassil, District-Siwan.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anjani Kumar, AAG-4
		Mr. Deepak Sahay Jamuar, AC to AAG- 4
For the Respondent/s	:	Mr. Krishna Chandra, Advocate
		Ms. Prakritita Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

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

Date : 10-02-2023

Heard learned counsel for the respective parties.

2. The appellant State has assailed the order of the learned Single Judge dated 20.06.2016 passed in CWJC NO. 7113 of 2011. There is a delay of 743 days in filing Letters Patent Appeal.

3. Perusal of the grounds for condonation of delay sufficient cause has not been shown except stating that file was being tossed from one office to another office. Such a reasonings are not sufficient to come to the conclusion that



sufficient cause has been shown to condone the delay of 743 days. It is to be noted that it is State appeal and they were well aware in respect of challenge to the order of the learned Single Judge, there is a time limit, in such matters State authorities should have taken appropriate steps in filing Letters Patent Appeal within the time limit stipulated. Invariably, State appeals are filed belatedly.

4. Recently in the case of **the State of Bihar Vs. The Vice Chancellor and others** (LPA No. 365 of 2021) vide order dated 04.01.2023, we have made a serious observation and also directed State to evolve a policy relating to monitoring of cases by the State irrespective of Letters Patent Appeal or any other matters.

5. Further on merit the matter is squarely covered by the decision of the Apex Court in the case of **State of Punjab and Others Versus Rafiq Masih (White Washer)** reported in **(2015) 4 SCC 334**, which has been taken note of by the learned Single Judge, despite the fact that the matter is covered by Apex Court decision State has proceeded to file present Letters Patent Appeal. Therefore, we have to draw inference that the present Letters Patent Appeal is frivolous and it is not issue relating to question of law, so as to entertain Letters Patent Appeal by



condoning the delay.

6. Accordingly, interlocutory application no. 5616 of 2018 for condonation of delay of 743 days stands rejected.

7. In the result, Letters Patent Appeal stands dismissed.

8. Pending interlocutory application, if any, stands disposed of.

(P. B. Bajanthri, J)

(Harish Kumar, J)

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AFR/NAFR	NAFR
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