

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1214 of 2019

In
Civil Writ Jurisdiction Case No.16711 of 2007

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Mithlesh Kumar @ Mithilesh Yadav Son of Rambaran Singh @ Rambaran Yadav Resident of Village- Thallubigha under Gram Panchayat Lakhwara, Police Station and Block- Ghoshi, District- Jehanabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Director, Directorate of Panchayati Raj, Government of Bihar, Patna.
3. The District Panchayat Officer, Jehanabad.
4. The Block Development Officer Ghoshi, District- Jehanabad.
5. The Mukhiya Lakhawar Gram Panchayat, Police Station and Block Ghoshi, District- Jehanabad.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Jitendra Kumar Roy, Advocate
For the Respondent/s : Mr. Sanjeet Kumar Singh, AC to AAG 6

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

8 09-01-2023

Re: I.A. No. 1 of 2019

Heard I.A. No. 1 of 2019 filed in L.P.A. No. 1214 of 2019. There is a delay of 3 years and 10 months in presenting L.P.A. against order of the learned Single Judge 02.11.2015 passed in C.W.J.C. No. 16711 of 2007.

Reading of paragraph Nos. 3 and 4 to the I.A., sufficient cause has not been shown so as to condone the enormous delay of 3 years and 10 months in filing of L.P.A.



Recently we have rejected the State appeal filed in L.P.A. with reference to Apex Court's decision in the case of ***State of Uttar Pradesh vs. Sabha Narain*** reported in **2022 (9) SCC 266** wherein Apex Court examined the delay in filing litigation in **Para 3 to 7** which is held as under:-

*“3. We have repeatedly discouraged State Governments and public authorities in adopting an approach that they can walk in to the Supreme Court as and when they please ignoring the period of limitation prescribed by the statutes, as if the Limitation statute does not apply to them. In this behalf, suffice to refer to our judgments in State of M.P. v. Bherulal [State of M.P. v. Bherulal, (2020) 10 SCC 654 : (2021) 1 SCC (Cri) 117 : (2021) 1 SCC (Civ) 101 : (2021) 1 SCC (L&S) 84] and State of Odisha v. Sunanda Mahakuda [State of Odisha v. Sunanda Mahakuda, (2021) 11 SCC 560 : (2022) 1 SCC (Cri) 300 : (2022) 2 SCC (L&S) 393]. The leeway which was given to the Government/public authorities on account of innate inefficiencies was the result of certain orders of this Court which came at a time when technology had not advanced and thus, greater indulgence was shown. This position is no more prevalent and the current legal position has been elucidated by the judgment of this Court in **Postmaster General v. Living Media India Ltd.** [Postmaster General v. Living Media India Ltd., (2012) 3 SCC 563 : (2012) 2 SCC (Civ) 327 : (2012) 2 SCC (Cri) 580 : (2012) 1 SCC (L&S) 649] Despite this, there seems to be little change in the approach of the Government and public authorities.*

4. We have also categorised such kind of cases as “certificate cases” filed with the only object to obtain a quietus from the Supreme Court on the ground that nothing could be done because the highest Court has dismissed the appeal. The objective is to complete a mere formality and save the skin of the officers who may be in default in following the due process or may have done it



deliberately. We have deprecated such practice and process and we do so again. We refuse to grant such certificates and if the Government/public authorities suffer losses, it is time when officers concerned responsible for the same, bear the consequences. The irony, emphasised by us repeatedly, is that no action is ever taken against the officers and if the Court pushes it, some mild warning is all that happens.

5. Looking to the period of delay and the casual manner in which the application has been worded, we consider appropriate to impose costs on the petitioner(s) of Rs 25,000 for wastage of judicial time which has its own value and the same be deposited with the Supreme Court Advocates-on-Record Welfare Fund within four weeks. The amount be recovered from the officers responsible for the delay in filing the special leave petition and a certificate of recovery of the said amount be also filed in this Court within the same period of time.

6. The special leave petition is dismissed as time-barred in terms aforesaid. Pending application stands disposed of.

7. A copy of this order be placed before the Chief Secretary for the State of Uttar Pradesh cautioning that any non-adherence with the aforesaid order within timeline would result in appropriate proceedings being initiated against the Chief Secretary himself.”

In the light of above facts and circumstances of the case, the I.A. No. 1 of 2019 stands rejected. Accordingly, present L.P.A. stands dismissed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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