

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.24 of 2019

In

Civil Writ Jurisdiction Case No.12144 of 2008

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1. The State Of Bihar through the Principal Secretary, Department of Health and Family welfare, Government of Bihar, Patna.
 2. Joint Secretary cum Director, Indigenous Medicine, Government of Bihar, Patna.
 3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
 4. The Deputy Secretary, Department of Finance, Government of Bihar, Patna.

... .. Appellant/s

Versus

Dr. Sachidanand Rai son of Late Ishwar Rai, Resident of Village Ishwarpura, P.S. Sahar, District Bhojpur at present posted as Manager, State Pharmacy of Ayurvedic and Unani Medicine, Rajkiya Ayurvedic College, Kadamkuan, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prem Ranjan Kumar Ac To Aag 9
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

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

Date : 29-04-2024

Re: I.A No. 01 of 2019

Heard I.A No. 01 of 2019. The present LPA read with I.A No. 01 of 2019 is of the State of Bihar. Perusal of I.A No. 01 of 2019 for condonation of delay it is mentioned in para 01 about 73 days on the face of the record the present LPA is filed against the order of the learned single judge dated 21.09.2017 passed in CWJC No. 12144 of 2008 (State of Bihar & Ors. vs. Dr. Sachidanand Rai). Whereas the present LPA was presented in



the month of December, 2018/ January 2019. Therefore. there is total non-application of mind in preparing I.A for condonation of delay while stating that there is a delay of about 73 days. Accordingly, I.A No. 01 of 2019 stands rejected with cost of Rs. 5,000/-. Cost shall be remitted in the Patna High Court Legal Services Authority. On merits, the present LPA should not have filed for the reasons that State had already suffered LPA in identical matter, namely, LPA No. 852 of 2012. Be that as it may, it is reliably learnt that state had taken up the matter to the Hon'ble Supreme Court insofar as order of the Division Bench dated 28.06.2016 passed in LPA No. 852 of 2012. Status of the Hon'ble Supreme Court case has not been highlighted either in I.A No. 01 of 2019 or in the LPA. Therefore, LPAs is filed in a very casual manner without furnishing proper dates and events. It is also learnt that LPA draft was prepared by some ex-advocate or an official whereas such LPA and interlocutory application are filed by the State counsel. Here, it is to be noted that competent authority or authorised officer insofar as filing LPA and I.A for condonation of delay has not read the draft before filing so also the State counsel who is representing and addressing the matter in the court of law, if they have read the file the aforementioned mistakes or error would not have crept



in. This is not an isolated case in which we have come across. In more than one case we have come across identical errors were committed by the authorised officer, learned government advocate. These types of filing LPA in a casual manner is deprecated, therefore, cost is warranted even while rejecting the present LPA No. 24 of 2019 and cost is quantified @ Rs. 10,000/-. The overall cost is Rs. 15,000 shall be remitted in the Patna High Court Legal Services Authority within a period of 8 weeks from today.

2. LPA stands dismissed.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

Krishnakant/-
vashudha

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.05.2024
Transmission Date	NA

