

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.115 of 2021

In
Civil Writ Jurisdiction Case No.14528 of 2007

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1. The State of Bihar.
 2. The Director Information Public Relation Department, Bihar, Patna.
 3. The Joint Director, Information Public Relation Department, Bihar, Patna.
 4. The Secretary, Information Public Relation Department, Bihar, Patna.
 5. The Registrar, Information Public Relation Department, Bihar, Patna.

... .. Appellant/s

Versus

1. Akhileshwar Prasad Roy S/o Late Jang Roy R/o Village - Naran Tola, P.S. - Suutur Nagar, District- Saran.
2. Md. Moinuddin S/o Md. Animuddin R/o Village - Punpun, P.S. - Punpun, Bazar, District- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

4 01-08-2024

Ref: I.A. No. 02 of 2021

Matter called twice. None appears for the appellant.

2. Heard I.A. No. 02 of 2021. There is a delay of about 02 years and 260 days in filing L.P.A. No. 115 of 2021. The reasons assigned for condonation of delay are in para nos. 4 to 9. The extract of paragraph Nos. 4 to 9 reads as under:

“2. That the appellants have not filed any such application earlier in this Hon’ble Court



for the present subject matter.

3. That it is humbly submitted that the delay in filing of the instant LPA has occurred on account of procedural paraphernalia in the movement of file at different levels of the government which are being submitted hereunder.

4. That it is stated that a copy of the impugned order dated 22.03.2018 passed in C.W.J.C. No. 14528/2007 was produced by the writ petitioner in the Information and Public Relation Department, Bihar, Patna on 29.08.2019. The said judgment was discussed in the Department at different levels and it was decided to seek opinion of the Law Department, Bihar as to whether the said order is fit to be challenged by way of filing LPA. In that course, the file was endorsed to empanelled Advocate on 17.12.2019 for preparing the statement of facts and grounds of appeal on 28.01.2020.

5. That pursuant to the aforesaid, the file was again endorsed to the empanelled Advocate on 09.03.2020. He prepared the improved grounds of appeal and statement of facts to condone the delay and for filing stay petition on 24.03.2020. But the same could be presented in the Department on 18.05.2020 due to nationwide complete lockdown against 'COVID-19'.

6. That it would be apparent from the aforesaid facts that necessary official formalities consumed time in filing the present appeal and there is no deliberate latch on part of the appellants.

7. That the appellants were barred by the aforesaid reasonable cause in filing the present appeal within the prescribed time limit which is being filed with some delay and therefore the same may kindly be condoned for the ends of justice.

9. That the appellants have very good case for appeal and there is likelihood of their



success in the present appeal.”

3. Sufficient cause has not been shown to condone the enormous delay of about 02 years and 260 days. The Order of the learned Single Judge is dated 22.03.2018 and L.P.A. was filed in the year 2021. One of the reason assigned is COVID-19 period. COVID-19 period cannot be appreciated for the reasons that COVID-19 period was from 20th March, 2020 to March, 2022. Therefore, the aforementioned reason cannot be taken into consideration for the purpose of condonation of delay.

4. Accordingly, I.A. No. 02 of 2021 stands dismissed. Resultantly, L.P.A. No. 115 of 2021 stands dismissed. Pending I.As, if any, stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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