

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.182 of 2021

In
Civil Writ Jurisdiction Case No.2590 of 2017

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1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
 2. The Principal Secretary, Department of Excise and Prohibition, Government of Bihar, Patna.
 3. The Commissioner, Department of Excise and Prohibition, government of Bihar, Patna.
 4. The Joint Commissioner-cum-Department Enquiry Officer, Department of Excise and Prohibition, government of Bihar, Patna.
 5. The Deputy Commissioner, Magadh-cum-Patna Division, Department of Excise and Prohibition, Government of Bihar, Patna.
 6. The Section Officer - cum - Presenting Officer, Gazetted Complaint Section- 08, Department of Excise and Prohibition, Government of Bihar, Patna.
 7. The District Magistrate, Aurangabad.

... .. Appellant/s

Versus

1. Sudhir Kumar Jha s/o - Sri Rabindra Nath Jha resident of village Pandaul, P.O. - Pandaul, District - Madhubani, at present Superintendent of Excise, Bhabhua, Kaimur, Department of Excise and Prohibition, Government of Bihar, Patna.
2. The Bihar Public Service Commission through its Secretary, Bailey Road, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. S. Raza Ahmad, AAG-5
		Mr. Alok Ranjan, AC to AAG-5
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)

5 10-05-2024

Re:- I.A. No. 01 of 2021

Heard I.A. No. 01 of 2021. There is a delay of about 632 days in filing LPA. Cause for condonation of delay has been stated in para-7 to 11. The aforementioned cause is not sufficient



to condone the enormous delay of 632 days. Cause is also very vaguely stated. The State are well aware of the time limit in filing LPA. They had sufficient time before commencement of COVID-19 for the reasons that cause of action accrued to the appellants on 17.05.2019. Therefore, the reasons for condonation of delay of 632 days is not sufficient so as to condone the delay.

2. Hon'ble Supreme Court in latest decision in the case of *Union of India and Another vs. Jahangir Byramji Jeejeebhoy (D) through his LR*, reported in *AIR 2024 SC 1884* elaborately considered including earlier decisions in respect of condonation of delay. Taking note of the principle laid down by the Hon'ble Supreme Court in the cited decision, the appellants have not made out a case so as to condone the enormous delay of 632 days. Accordingly, I.A. No. 01 of 2021 stands rejected.

3. Consequently, LPA No. 182 of 2021 stands dismissed.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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