

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.417 of 2019

In
Civil Writ Jurisdiction Case No.9756 of 2017

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1. The State Of Bihar through the Chief Secretary, Bihar, Patna
 2. The Principal Secretary Home (Police) Department, Bihar, Patna
 3. The District Magistrate East Champaran, Motihari

... .. Appellant/s

Versus

1. Naushad Alam S/o Late Nawab Miyan Vill.- Madhopur Sheikh Toli, P.o.- Madhopur, Tansariya, P.s.- Turkauliya, Distt.- East Champaran
2. Dilip Kumar S/o Shambhu Prasad Yadav Vill. and P.o.- Nimoiya, P.s.- Ghodasahan, Distt.- East Champaran
3. Pawan Kumar Yadav S/o Baidhyanath Rai Vill. and P.o.- Ramkaran Pakri, P.s.- Chakiya, Distt.- East Champaran
4. Jawed Alam S/o Shafi Ahmad Vill.- Jogaurliya Thela Gulab, Post Rupni, P.s.- Madhuban, Distt.- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mrigendra Kumar (Ac To Ga 4)
For the Respondent/s : Mr. Abhinav Srivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

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

5 29-10-2024 The present case has a chequered history. The District Magistrate – East Champaran proceeded to recruit *Chowkidars* in the year 2001. The contesting respondents were stated to be selected and appointed candidates. Non-selected candidates approached this Court in filing a Writ Petition without impleading such of those selected and appointed candidates. The same has not been appreciated by this Court at



the relevant point of time.

2. The entire selection was set aside and further a direction has been issued to the Selecting Authority to proceed afresh. Thereafter, respondents have noticed that they are necessary and proper party to the aforementioned proceedings. For the reasons that their rights have been taken away without hearing them, resultantly they have also filed CWJC No. 9756 of 2017. It was allowed on 18.05.2018.

3. For non-compliance of the order dated 18.05.2018 respondents preferred MJC No. 2610 of 2018 on 19.07.2018. Respondents were reinstated on 27.03.2019 and the MJC No. 2610 of 2018 was dropped on 28.03.2019.

4. In the meanwhile, appellants were processing insofar as filing LPA in assailing the order of the learned Single Judge dated 18.05.2018 passed in CWJC No. 9756 of 2017. They have taken about 311 days in filing LPA. It is to be noted that appellants have opened their eyes to expedite in filing LPA only as and when MJC No. 2610 of 2018 was filed on 19.07.2018. It is also to be noted that MJC No. 2610 of 2018 was pending consideration before this Court for about eight months. On the other hand, they have filed LPA on 25.03.2019. Reasons assigned in the I.A. for condonation of delay is as



usual. The file tossing from one section to another section or one department to another department for opinion and to complete the process of filing LPA. Such casual reasons are not sufficient to condone the enormous delay of 311 days in filing LPA.

5. Moreover, appellant is State. Time and again Courts have held that State is a mighty litigant. Organization/Department must prefer appeals within a reasonable period of time. Enormous delay has been deprecated in number of cases.

6. In the light of these facts and circumstances, State – Appellant has not made out a case so as to condone the delay of about 311 days in filing LPA.

7. Accordingly I.A. 01 of 2019 stands rejected. Resultantly LPA stands dismissed.

8. Pending I.A(s), if any, stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

Ankit/Niraj/-

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