

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.599 of 2019

1. The State of Bihar through the Chief Secretary, Government of Bihar, having his office in Old Secretariat, Patna
2. The Agriculture Production Commissioner Department of Agriculture, Govt. of Bihar having his office in Vikash Bhawan, New Secretariat, Government of Bihar
3. The Principal Secretary Agriculture Department, Government of Bihar, Baily Road, Patna

... .. Appellant/s

Versus

1. Mukeshwar Dayal Son of Late Brijeshwar Dayal (original petitioner) R/o Mohalla-M.P. Sinha Road, Kadamkuan, Dist-Patna
2. Manoj Dayal S/o Late Brijeshwar Dayal (Original petitioner) R/o Mohalla-M.P. Sinha Road, Kadamkuan, Dist-Patna
3. Sushma Dayal D/o Late Brijeshwar Dayal (original petitioner) R/o Mohalla-M.P. Sinha Road, Kadamkuan, Dist-Patna
4. Reshma Dayal D/o Late Brijeshwar Dayal (original petitioner) R/o Mohalla-M.P. Sinha Road, Kadamkuan, Dist-Patna
5. Shama Dayal D/o Late Brijeshwar Dayal (original petitioner) R/o Mohalla-M.P. Sinha Road, Kadamkuan, Dist-Patna
6. The Bihar Public Service Commission through its Chairman having his office in 15 Baily Road, Police Station-Shastri Nagar, Dist-Patna
7. The Accountant General Bihar Birchand Patel Marg, Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Deepak Sahay Jamuar, AC to AAG-4
For the Respondent/s : Mr. Virendra Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 30-08-2024

In Order No. 2, dated 09.08.2024 in L.P.A. No. 599
of 2019, there is a typographical error insofar as Order No.2, it
should have been Order No.3.



2. The order dated 09.08.2024, accordingly, corrected.

Ref: I.A. No. 01 of 2019

3. Heard I.A. No. 01 of 2019. There is a delay of about 296 days in filing L.P.A. No. 599 of 2019 on behalf of the State. To condone the delay, they have assigned the reasons in para 2 to 4 and it reads as under:

“1. That this Interlocutory application is being filed for condonation of delay 296 of days in filing the present memo of appeal.

2. That this memo of appeal is being filed on 13 May 2019 against the order dated 20.06.2018 passed in CWJC No. 17625 of 2008 by Hon'ble Mr. Justice Jyoti Saran.

3. That after getting knowledge of the said order of dealing Assistant of the department had endorsed the file section officer on 24.07.2018 and from those the file moved up to Principal Secretary, on 04.08.2018 and in compliance of his direction the ground of appeal was prepared by the penal Advocate of the department and file endorsed to Law Department on 14.08.2018 by Principal Secretary of the department and the Law Department had returned the file to Administrative Department on 21.08.2018 after reordered his opinion. Now again the Administrative department had taken decision to file LPA and the file sent to



Law Department on 06.09.2018 to send the file to Advocate General for their advice and thereafter the file had sent to Advocate General on 10.09.2018 and from there the file was allotted to AAG-04 on 10.09.2018 and in the office of AAG-04 the memo of appeal along with limitation petition and stay petition were drafted and prepared on 24-09-2018 and on 24.09.2018 the authority had been informed to a competent person for taking oath so that appeal along with the stay petition and limitation petition were filed.

4. That the appellant did not make any willful deliberate or negligence in filing the present memo of appeal memo of appeal rather in doing some official formalities some delay has been occurred.”

4. Sufficient cause has not been shown to condone enormous delay of about 296 days in filing L.P.A. No. 599 of 2019. Reading of the aforementioned statement is only a tossing the file from one office to another office or one officer to another officer. Further, it is to be noted that from 24.09.2018 to 13.05.2019, the date on which LPA was presented, no explanation or cause has been shown to condone the delay. Such reasons to condone the enormous delay of about 296 days is not permissible in the light of our order dated 25.07.2024 passed in



L.P.A. No. 51 of 2021 in which we have taken note of number of decisions of the Hon’ble Supreme Court insofar as filing of belated litigation on behalf of the State.

5. Accordingly, I.A. No. 01 of 2019 for condonation of delay of about 296 days stands rejected. Resultantly, L.P.A. No. 599 of 2019 stands dismissed. Pending I.As, if any, stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

Manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.08.2024
Transmission Date	NA

