

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.658 of 2019

In
Civil Writ Jurisdiction Case No.9562 of 2016

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1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariate, Patna.
 2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
 3. The Director, Secondary Education, Govt. of Bihar, Patna.
 4. The Regional Deputy Director of Education Tirhut Division, Muzaffarpur.
 5. The District Education officer Sitamarhi
 6. The District Education Officer Vaishali, Hajipur.
 7. The District Programme Officer Education, Establishment, Vaishali at Hajipur

... .. Appellant/s

Versus

Ajay Kumar, Son of Late Maheshwar Prasad, Resident of Village and P.O. and P.S.- Kurhani, District- Muzaffarpur.

... .. Respondent

Appearance :

For the Appellant/s : Mr. Alok Ranjan, AC to AAG-5
For the Respondent/s : Mr. Dhananjay Kumar, 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 : 28-06-2024

Ref: I.A. No. 01 of 2019

Heard I.A. No. 01 of 2019 for condonation of delay of about 295 days. For condonation of delay of about 295 days, reasons assigned are very vague as reading of paragraph Nos. 6 to 13, no specific dates and events have been assigned. Very



vaguely, it is stated that file was sent to the Law Department on 01.11.2018 for seeking advice. Thereafter, it was sent to AAG-5 on 26.12.2018 except these dates no sufficient cause has been shown to condone the enormous delay of about 295 days.

2. That apart, during pendency of the present L.P.A., contesting respondent- Ajay Kumar died on 09.05.2021, whereas I.A. No. 03 of 2024 has been filed in bringing legal heirs of the Respondent - Ajay Kumar. There is a delay of about three years. Consequently, there should have been Interlocutory Application to set aside the abatement of the present proceedings for the reasons that with reference to date of death of Ajay Kumar on 09.05.2021, the present proceedings stands abated after 90 days in the light of provisions under C.P.C. Thus, in all fairness, State should have filed Interlocutory Application to set aside the abatement proceedings and so also condonation of delay in bringing legal heirs of Respondent – Ajay Kumar.

3. Taking note of these facts and circumstances, I.A. No. 01 of 2019 for condonation of delay stands dismissed. I.A. No. 03 of 2024 bringing legal heirs stands dismissed. In the result, L.P.A. No. 658 of 2019 stands dismissed.



4. Accordingly, pending I.As, if any, stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	N.A
Uploading Date	01.07.2024
Transmission Date	NA

