

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.712 of 2019

In
Civil Writ Jurisdiction Case No.4660 of 2018

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1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, New Secretariat, Patna.
 2. The Principal Secretary, Education Department, Government of Bihar, New Secretariat, Patna.
 3. The District Programme Officer (Establishment), Jamui.
 4. The District Education Officer, Jamui.
 5. The Block Education Officer, Jhajha, District- Jamui.

... .. Appellant/s

Versus

Mohammad Altaf Hussain son of Md. Hanif Ansari @ Hanif Miya resident of Village- Brondhya, P.S.- Samultalla, District- Jamui.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Priyadarshi Matri Sharan, AC to AAG 15
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 21-08-2024

Re: I.A. No. 1 of 2024

Heard I.A. No. 1 of 2024 for condonation of delay of about 428 days in filing the present LPA No. 712 of 2019.

2. Reasons for condonation of delay are at paragraph Nos. 4 to 6. Paragraph Nos. 4 to 6 read as under:

“4. That after passing of order dated 15.03.2018 the order was brought into the notice of the appellants, thereafter the appellant state of Bihar made scrutiny of the order as well as record



of the case of the writ petitioner and thereafter decision was taken to file LPA before this Hon'ble Court.

5. That after preparation of ground the file was sent for approval from different level to the Director, Primary Education, Education Department, who approved to send the file to law department for filing appeal.

6. That thereafter the memo of appeal was finally prepared and was filed on 17.06.2019.”

3. There is not even iota of reasoning to condone the delay. In other words, sufficient cause has not been shown to condone the delay. I.A. No. 1 of 2024 was filed in L.P.A. No. 712 of 2019 after about five years. There is no seriousness in filing the L.P.As on behalf of State. Despite our repeated orders, the State appellants have not reformed themselves in filing belated L.P.As and also sufficient cause has not been shown to condone the delay.

4. Minimum requirement for condonation of delay are some reasons like dates and events from the date of Single Judge order till filing of L.P.A. is warranted. This has been taken note of in L.P.A. filed on behalf of the State *i.e.* in L.P.A. No. 51 of 2021 (***State of Bihar and Others vs. Md. Ahmad and Others***). Copy has been marked to the Chief Secretary, Government of Bihar. Despite that State appeals are filed very



casually. Such a casual filing of LPA is deprecated. Accordingly,
I.A. No. 1 of 2024 stands dismissed. Resultantly, L.P.A. No. 712
of 2019 stands dismissed.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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