

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.855 of 2019

In
Civil Writ Jurisdiction Case No.15444 of 2014

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1. The State Of Bihar through the Principal Secretary, Education Department, New Secretariat, Vikas Bhawan, Patna
 2. The Director (Secondary Education), Education Department, Bihar Secondary Education Office, Budh Marg, Patna
 3. The Deputy Director (Secondary Education) In Charge Project Schools, Education Department, Bihar Secondary Education Office, Budh Marg, Patna
 4. The District Education Officer, Saran at Chapra

... .. Appellant/s

Versus

Baban Prasad Singh S/o Shree Daroga Singh, Assistant Teacher, Smt. Uma Pandey Ram Lakhani Das Project Girls High School, Harpur Karah, P.S. Baniapur, Dist. Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Behari Singh, GA8 Ms. Seema Ghazala, AC to GA8 Mr. Suryakant Kumar (Ac To GA8)
For the Respondent/s	:	Mr. Bipin Bihari Singh, Advocate Mr. Shyama Kant Singh, 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 : 07-03-2024

The present LPA is filed by the State in assailing the order dated 07.08.2018 passed in CWJC No. 15444 of 2014.

Re: I.A. No. 1 of 2019

2. Heard I.A. No. 1 of 2019 for condonation of delay in filing LPA No. 855 of 2019. For the reasons stated in application and affidavit, there is a delay of about 323 days. Perusal of



condonation of delay application, it is as usual that the file was passing from one department to another department or from one officer to another officer. Even the respondent has not filed objection to I.A. No. 1 of 2019 for condonation of delay, even after lapse of about 5 years. However, in the interest of State delay of 323 days stands condoned.

3. Perusal of the order of the learned Single dated 07.08.2018 passed in CWJC No. 15444 of 2014, it is evident that identical matter is stated to have been decided by this Court in more than one petition. In Para 3 it is stated as under:-

“3. He submits that the case of the petitioner is similar to the case of Maheshwar Prasad Singh, and similar other cases, i.e., CWJC No. 13159 of 2015 order dated 22.2.2015 and CWJC No. 12531 of 2014 order dated 26.7.2018 and petitioners of those cases were granted relief the respondent. If the case of the petitioner is similar to that of Maheshwar Prasad Singh case, the respondents are required to grant same relief to the petitioner in the light of litigation policy 2011 and judgment of the full Bench reported in 2018 (2) PLJR 929. Final decision on the claim of the petitioner may be taken by the respondent in the light of decision of CWJC No. 12531 of 2014 and other cases mentioned therein within a maximum period of four months from the date of receipt/production of a copy of this order.”

4. If the State-appellant intends to distinguish the cited decision in Para 3 of the learned Single Judge, it was bounden duty of appellants to produce those decisions in the present LPA and



apprise this Court as to how the case of the respondent is different from the *Maheshwar Prasad Singh*. In the absence of production of those judgments and appraised in what manner present case is different and factual aspects of the matter is not pleaded with reference to relevant paragraph of judgment cited. Even after 5 years from the date of filing the present LPA No. 855 of 2019. That apart State counsel is not in a position how the LPA is to be considered on merit. Accordingly, the present LPA No. 855 of 2019 stands dismissed.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

abhishekk/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.03.2024
Transmission Date	NA

