

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.1194 of 2019**

**In**  
**Civil Writ Jurisdiction Case No.8083 of 2013**

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1. Bihar School Examination Board through its Secretary.
  2. The Chairman, Bihar School Examination Board, Patna.
  3. The Secretary, Bihar School Examination Board, Patna.

... .. Appellant/s

Versus

1. Radha Raman Mishra S/o Late Devendra Mishra Resident of Village, P.O.- Harinagar, P.O.- Kusheswar Asthaan, District- Darbhanga.
2. Santosh Kumar S/o Late Ramjanam Ram Resident of H/N- 173, Shaileshpuri Khojaimli, P.O.- Anishabad, P.S.- Phulwari Sharif, District- Patna.
3. Nagendra Kumar S/o Ram Lagan Paswan Resident of Mitra Mandal Colony, Phase No.2, P.O.- Anishabad, P.S.- Beur, District- Patna.
4. Shankar Thakur S/o Late Shree Hari Thakur Resident of Village- Mohalla- Rajputana Yaarpur, Gardanibagh, Patna Road No.1
5. Hare Krishna Mishra S/o Bindeshwar Mishra Resident of Nehru Nagar Near Grend Apartment, P.S.- Patliputra, Distt- Patna.
6. Rameshwar Singh S/o Late Shiv Nandan Singh Resident of Village Chhama, P.O.- Below, District- Munger.
7. Ashok Kumar Singh S/o Jai Gopal Singh Resident of Mohalla Dashekhpora, Anchal Belchi, P.O.- Saksorha, District- Patna.
8. Raj Kishore Singh S/o Late Ram Lakhan Singh Presently Residing at Village- Naamideeh, P.O.- Ghataro, P.S.- Laalganj, District- Vaishali.
9. Sudheer Kumar Jha S/o Shree Narmeen Kumar Jha Resident of R.M.S. Colony, Road No.3, B. Kankarbagh Colony, District Patna.
10. Suresh Sharma S/o Shree Jagdeesh Sharma Presently Residing at Village, P.O.- Nauaawan, P.S.- Sakurabaad, District- Jehanabad.
11. Prakash Prasad Sinha S/o Late Rajnath Prasad Resident of Vit Vibhag Colony Phase Ii, Khajpura, Patna.
12. Sadhna Kumari D/o Raameshwar Prasad Singh Resident of Mohalla- Shri Krishna Nagar, P.S.- Budh Colony, P.O.- G.P.O., District- Patna.
13. Daya Shankar Mishra S/o Late Uma Shankar Mishra Resident of Krishna Vihar Lane No.8, Near Bank Colony, Bailey Road, Bhola Road, Danapur, Patna, District- Patna.
14. Umesh Nath Singh S/o Hari Ballabh Prasad Singh Village Navtol, P.O.- Bhawanipur, P.S.- Virol, District- Darbhanga.
15. Kamal Nath Singh S/o Hari Ballabh Prasad Singh Village Navtol, P.O.- Bhawanipur, P.S.- Virol, District- Darbhanga.
16. Ashim Kumar Sarkar S/o Late Abni Kant Sarkar Resident of Pranab



Apartment, Kadam Kuan, District- Patna.

17. Dashrath Mandal S/o Late Akkal Mandal Resident of Vishnupura Pakri, P.O., P.S.- Anishabad, Loc Road, Sipara Patna, District- Patna.
18. Dinesh Pandey S/o Late Ram Nath Pandey Village- Mirjapur Bharpura, P.O.- Bharpura, P.S.- Sonpur, District- Chapra Saran.
19. Krishna Valabh P Rasad Gupta S/o Late Jageshwar Prasad Resident of 485, Nehru Nagar, Near Gran Apartment, Patliputra, Patna- 800013.
20. Manoranjan Tiwari S/o Late Avadh Bihari Tiwari Resident of Village- Patna High Court CWJC No. 8083 of 2013 dt. 23-08-2018 2/15 Lodipur Dheer, P.O.- Patori, District- Samastipur, Patna.
21. The Principal Secretary, Human Resource Development Department, Government of Bihar, Patna.
22. The Director, Secondary Education, Government of Bihar, Patna.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Radha Raman Mishra, Advocate  
For the Respondent/s : Mr.S.S.Tiwary AC to Aag15

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**and**  
**HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

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

4 11-09-2024

**Re:I.A. No. 01 of 2019**

Heard I.A. No. 01 of 2019 for condonation of delay in filing LPA No. 1194 of 2019. There is a delay about 11 months and 20 days. Order of the learned Single Judge dated 23.08.2018 passed in CWJC No. 8083 of 2013, it is stated that it was uploaded on 01.06.2019. Resultantly, appellant had the knowledge of disposal of the writ petition only on 10.06.2019 on receipt of copy of the judgment. Decision is taken to file LPA in Para 4 to 7 of I.A. No. 01 of 2019 for condonation of delay it is stated as under:-



*“4.That it was thereafter that the matter was forwarded to the Establishment Section of the Board, which on 13.07.2019 sent the file with the noting to take decision with regard to the future course of action to be taken in the matter.*

*5. That it was upon consideration at different levels that the functionaries of the Board decided to proceed further in the matter by filing of Letter Patent Appeal and accordingly LPA in the matter had been drafted and filed.*

*6. That it is submitted that on account of the procedure to be followed in preferring an Appeal, the decision making process take some time which has resulted in the instant delay.*

*7. That it is submitted that the Hon’ble Court has already settled that the delay by Government Institution in filing may be liberally and simplistically treated. It is stated that unlike private and personal cases the stakes are always higher in the institution hence utmost precaution is to be taken to keep each and every one united. The Hon’ble Court had also made observation that the delay in filing appeal by a statutory institution may be viewed liberally and in a justice oriented manner. It is stated that in the individual cases it is filed on the institution of the private parties but in the institution there is hierarchy of senior officers who undertaken to decide about filing of the petition for condoning delay.”*

2. There is no explanation or cause shown as to how the delay has occurred in filing the present LPA, in the absence of cause with few dates and events, it is not appropriate to condone the delay of about 11 months and 20 days. Accordingly,



I.A. No. 01 of 2019 stands dismissed.

3. Resultantly, the present LPA No. 1194 of 2019 stands dismissed.

**(P. B. Bajanthri, J)**

**( Alok Kumar Pandey, J)**

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