

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1478 of 2019
In
Civil Writ Jurisdiction Case No.1228 of 2015

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Principal Secretary, Finance Department, Government of Bihar, Patna.
4. Principal Secretary, General Administration Department, Government of Bihar, Patna.
5. Principal Secretary, Welfare Department S.C./S.T., Bihar, Patna.
6. The Director, Welfare Department S.C./S.T., Bihar, Patna.
7. Divisional Commissioner, Saran.
8. District Magistrate, Siwan.
9. Deputy Director, Welfare, Siwan.
10. District Welfare Officer, Siwan.

.. ... Appellant/s

Versus

1. Rabindra Nath Sinha Son of Late Deo Saran Singh, Resident of Village-Bachuarapatti, P.O.-Nagra, P.S.-Marhowrah, District-Saran (Chhapra), Bihar, at present posted as a Teacher in Dr. Bhim Rao Ambedkar Balika Residential High School, Anand Nagar, Siwan.
2. Gautam Singh, Son of Late Sri Jai Kishan Singh, Resident of Village-Chanahari Patti, P.O.-Tarawara, P.S.-G.B. Nagar, District-Siwan, at present posted as a Teacher in Dr. Bhim Rao Ambedkar Balika Residential High School, Anand Nagar, Siwan.
3. Mahendra Rai, Son of Late Sarjug Rai, Resident of Village and P.O.-Salempur Dumaria, P.S. Goraul, District-Vaishali, at present posted as a Teacher in Dr. Bhim Rao Ambedkar Balika Residential High School, Anand Nagar, Siwan.
4. The Headmaster, Dr. Bhim Rao Ambedkar Balika Residential High School, Siwan.

... ... Respondent/s

Appearance :

For the Appellant/s : Mr. Manoj Kumar Sinha (AC to GA 9)
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

5 10-12-2024

Re: I.A. No. 2 of 2019

Heard I.A. No. 2 of 2019 filed for condonation of delay
in filing the present LPA No. 1478 of 2019 with delay of about



448 days. Interlocutory Application for condonation of delay is silent on number of days of delay. Be that as it may, decision for filing LPA, respondents have taken almost one year with reference to order dated 24.07.2018 passed in CWJC No. 1228 of 2015 and such decision was taken only on 05.07.2019 by the Director. Thereafter, it was approved by the departmental secretary on 09.08.2019. Except reasons assigned is that the file was moving from one office to another office during the period from 03.04.2019 till filing of the LPA. Nothing has been averred so as to appreciate the cause shown for the delay in filing the LPA, therefore, enormous delay of 448 days in filing the present LPA cannot be condoned.

2. Recently, Hon'ble Supreme Court in the case of ***State of Madhya Pradesh vs. Ram Kumar Chaudhary (2024 INSC 932)*** decided on 29.11.2024 elaborately considered delay in filing litigation on behalf of the State. In fact, the Hon'ble Supreme Court has made an observation not only explaining the delay from the date of cause of action, it has also made observation that the concerned authority is required to explain the delay from the date of the learned Single Judge/Division Bench order within the time limit stipulated for filing of appeal. In the present case reasons assigned for condonation of delay is



not sufficiently explained so as to apprise number of days of delay. This is not an isolated case, in most of the State LPAs, interlocutory application filed for condonation of delay is not containing number of days of delay in filing of appeal. Repeatedly we are pointing out in number of cases that number of days of delay has not been indicated so as to examine the number of days of delay in filing the LPA. The concerned officials and learned advocates have not rectified themselves in correcting insofar as filing of the interlocutory application for condonation of delay with number of days of delay from the date of cause of action and the same has been deprecated. Accordingly, I.A. No. 2 of 2019, filed for condonation of delay, stands dismissed with a cost of Rs. 5,000/- (Rupees Five Thousand). Cost shall be remitted in the Patna High Court Legal Services Committee within a period of eight weeks from today.

3. Resultantly, LPA No. 1478 of 2019 stands dismissed.

4. Pending I.A.(s), if any, stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

GAURAV S./-

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