

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1502 of 2019
In
Civil Writ Jurisdiction Case No.8123 of 2018

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1. Veer Kuwar Singh University through its Registrar, Ara.
 2. The Vice- Chancellor, Veer Kuwar Singh University, Ara.
 3. The Registrar, Veer Kuwar Singh University, Ara.
 4. The Finance Officer, Veer Kunwar Singh University, Ara.
- Appellants.

Versus

1. Manoj Kumar Singh, Son of Late Rajendra Singh, Resident of Village-Rasalpur, P.S.- Mufasil, P.O.- Manpur, District- Gaya.
 2. The State of Bihar through the Principal Secretary, Department of Higher Education, Government of Bihar, Vikash Bhawan, New Secretariat, Patna.
 3. The Principal Secretary, Department of Higher Education, Government of Bihar, Vikash Bhawan, New Secretariat, Patna.
 4. The Secretary, Department of Education, Government of Bihar, Patna.
 5. The Principal, Mahila College, Dalmianagar, Rohtas.
- Respondents.

Appearance :

For the Appellants (V.K.S.U.): Mr. Kinkar Kumar, Advocate.
For the Respondent : Mr. Ugranath Mallik, Advocate.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY

ORAL ORDER

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

11 20-07-2024 Coordinate Bench admitted the matter while making an observation that I.A. No.1 of 2019 shall be heard at the time of final disposal of the present L.P.A.

I.A. No.1 of 2019

2. Heard I.A. No.1 of 2019.

3. There is delay of about 1 year and 72 days in filing the present L.P.A.. Sufficient cause has not been shown so as to condone the delay in filing the present L.P.A. for the reason that in paragraphs- 4 to 9 of I.A. No.1 of 2019, it is stated as under:



“4. That, thereafter, the law officer of the university personally discussed with the Director, Higher Education in this regard and it was decided to file LPA against the order passed by the Hon’ble High Court.

5. That after that file was initiated for filing LPA against the impugned order. The matter was discussed with the Higher authorities and the lawyers of the university and ultimately, it was decided to file LPA and under aforesaid facts and circumstances the delay is caused in filing of the present LPA.

6. That it is humbly submitted that there is no willful or deliberate latches on the part of the appellants in filing the present letters patent appeal and the delay which has occurred in filing the present L.P.A. is due to the time consumed in fulfilling the official paraphernalia’s and deliberations made at different levels in the matter of filing the present letters patent appeal.

7. That the case of the petitioner against which the order was passed by the Learned Single Judge and against which decision has been taken to file the present appeal has been stated in detail in the memo of Letters Patent



Appeal petition and as such the same is not stated here as a matter of repetition.

8. That it is respectfully submitted before the Hon'ble Court that the appellants have a very good prima facie case and as such the instant appeal may be heard on merit after condoning the delay.
9. That the appellants will suffer an irreparable loss and injury and the State will lose great exchequer, if the delay is not condoned by the Hon'ble Court and appeal in not heard on its merit.”

4. Not even a single date read with event is mentioned in paragraphs- 4 to 9 of I.A. No.1 of 2019. Therefore, we have to draw inference that sufficient cause has not been shown so as to condone the delay of about 1 year and 72 days in filing the present L.P.A.

5. Accordingly, I.A. No.1 of 2019 stands rejected. Consequently, the present L.P.A. stands dismissed.

(P. B. Bajanthri, J)

(G. Anupama Chakravarthy, J)

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