

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1598 of 2019

In
Civil Writ Jurisdiction Case No.7180 of 2017

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1. The State of Bihar, through the Principal Secretary, Health Department, Government of Bihar, Patna.
 2. The Principal Secretary, Health Department, Government of Bihar, Patna.
 3. The Director in Chief (Administration) Health Services, Government of Bihar, Patna.
 4. The Regional Deputy Director, Health Services, Tirhut Division, Muzaffarpur, Muzaffarpur.
 5. The District Magistrate, West Champaran, Bettiah.
 6. The Civil Surgeon cum Chief Medical Officer, West Champaran at Bettiah.
 7. The Additional Chief Medical Officer, West Champaran at Bettiah.

... .. Appellant/s

Versus

Pramod Kumar, Son of Late Chandra Bhushan Srivastva, Resident of Hospital Road, P.S.- Bettiah Sadar, District West Champaran, Bettiah.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sudhir Kumar Singh (Ac To Sc23)
For the Respondent/s : Mr.Manoj Kumar Jha, 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 : 02-08-2024

Ref: I.A. No. 01 of 2019

Heard I.A. No. 01 of 2019. There is a delay of about 09 months and 27 days in filing L.P.A. No. 1598 of 2019 on behalf of the State. To condone the delay, they have assigned the reasons in para 2 to 10 and it reads as under:

“2. That the aforesaid judgment was



thoroughly examined by the department and the file has been forwarded to the law department on 28.02.2019 with regard to filing of LPA against the order dated 07.01.2019 passed in C.W.J.C. No. 7180 of 2017.

3. That the law department has returned the file on 08.03.2019 with a opinion that the Administrative Department is capable of taking decision with regard to filing of LPA or to comply the order.

4. That after thoroughly examined the order dated 07.01.2019 the department has taken a decision to file a LPA against the aforesaid order.

5. That for preparing statement of facts for filing LPA the file has been handed over to the departmental advocate on 18.04.2019 and the same has been returned by the departmental advocate on 31.07.2019.

6. That after receiving of the statement of facts on 31.07.2019 the file has been forwarded to Law Department on 02.08.2019 for obtaining necessary consent for filing of LPA.

7. That the Learned Advocate General has forwarded the file to Standing Counsel No. 23 for its opinion and the standing counsel no. 23 opined that LPA shall be filed against the order dated 07.01.2019.

8. That it is stated from the facts stated above that delay occurred due to process of official decision and not due to deliberate or wilful latches on the part of the appellants and such delay is fit to be condoned.

9. That for the ends of justice the 11 months delay in filing the LPA may kindly be condoned and LPA may kindly be heard on merit.

10. That if the delay will not be condoned the appellants shall suffer irreparable loss.”



2. In identical matter in L.P.A. No. 51 of 2021, we have elaborately considered and rejected the I.A. for condonation of delay while making further observation and copy has been marked to the Chief Secretary, Government of Bihar.

3. In view of these facts and circumstances, the present I.A. No. 01 of 2019 stands rejected. Resultantly, L.P.A. No. 1598 of 2019 stands dismissed. Pending I.As, if any, stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.08.2024
Transmission Date	NA

