IN THE HIGH COURT OF JHARKHAND AT RANCHI
L.P.A. No.115 of 2023
------

1. The State of Jharkhand through its Secretary, H.R.D. Department, Higher Education, Government of Jharkhand, Project Building, Dhurwa, Ranchi-4, P.O. Dhurwa, P.S. Jagannathpur, District Ranchi.
2. The Director, H.R.D. Department, Higher Education, Government of Jharkhand, Project Building, Dhurwa, Ranchi-4, P.O. Dhurwa, P.S. Jagannathpur, District Ranchi.

…. …. Respondents/Appellants

Versus

1. Prof. Dr. Jitendra Prasad Sinha, s/o Late Bhola Prasad Sinha, Retd. Reader, Department of Botany, Gossner College, Ranchi and R/o House No.29, Budh Vihar, opposite Ashok Nagar, Road No.4, P.O. Ashok Nagar, P.S. Argora, District Ranchi

.... Petitioner/Respondent

2. Ranchi University, through its Vice-Chancellor, Ranchi University, Ranchi, P.O. G.P.O., P.S. Kotwali, District Ranchi.
3. Registrar, Ranchi University, Ranchi, P.O. G.P.O., P.S. Kotwali, District Ranchi.
4. Gossner College through its Principal/Secretary, P.O. G.P.O., Ranchi, P.S. Lower Bazar, Ranchi, District Ranchi.

.... Respondents/Performa Respondents

CORAM : HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN KUMAR RAI

For the Appellants : Mr. Ratnesh Kumar, SC(L&C)-I
For the Resp. No.1 : Mr. Atanu Banerjee, Advocate
Mr. Suman Kr. Ghosh, Advocate
Mr. Aditya Banerjee, Advocate

13/Dated: 09.09.2024

Per Sujit Narayan Prasad, A.C.J.

1. The instant intra-court appeal is under Clause-10 of Letters Patent directed against the order/judgment dated 18.04.2022 passed by the learned Single Judge of this Court in W.P.(S) No.3302 of 2014, whereby and whereunder, while allowing the writ petition, the order as contained in letter no.753 dated 15.04.2019 has been

quashed and set aside entitling the petitioner to get the benefit of his past services.

I.A.No.5380 of 2023

2. The instant appeal is barred by inordinate delay of 326 days, therefore, an application for condoning the aforesaid delay has been filed being I.A.No.5380 of 2023.

3. This Court, after taking into consideration the fact that the instant intra-court appeal has been field after inordinate delay of 326 days, deems it fit and proper, to first consider the delay condonation application before going into the legality and propriety of the impugned order on merit.

4. The ground for condonation of delay has been taken, as per the pleading made in the instant interlocutory application that the appellant came to know the order dated 18.04.2022 passed in W.P.(S) No.3302 of 2014 on 10.05.2022, thereafter, the appellant perused and applied for obtaining the certified copy of the order which was obtained and received on 24.06.2022.

5. The Deputy Director forwarded the aforesaid order along with note sheet to the Director, Higher and Technical Education on 20.07.2022 for taking further instruction for filing an appeal. The Deputy Director instructed the Department on 01.08.2022 to prepare the draft for grounds of appeal.

6. The grounds of appeal and statement of facts have been approved by the department. It has been directed on 18.01.2023 to

produce the same before the Ld. Advocate General for his opinion. The Department received the instruction from the office of Ld. Advocate General office on 20.02.2023, thereafter, the entire file and ground of appeal were sent to the assigned laws officer for filing, then the memo of appeal was drafted and filed on 04.03.2023, which according to the appellants is not intentional rather on account of procedural delay.

7. Mr. Ratnesh Kumar, learned SC (L&C)-I appearing for the State-appellants, therefore, has prayed to condone the delay and has submitted that the reasons assigned in the instant interlocutory application are sufficient to condone the delay.

8. We have heard the learned counsel for the parties on delay condonation application and before considering the same, this Court, deems it fit and proper to refer certain legal proposition, as has been propounded by the Hon'ble Apex Court with respect to the approach of the Court in condoning the inordinate delay.

9. There is no dispute about the fact that generally the *lis* is not to be rejected on the technical ground of limitation but certainly if the filing of appeal suffers from inordinate delay, then the duty of the Court to consider the application to condone the delay before entering into the merit of the *lis*.

10. It requires to refer herein that the Law of limitation is enshrined in the legal maxim *interest reipublicae ut sit finis litium* (it is for the general welfare that a period be put to litigation). Rules of limitation

are not meant to destroy the rights of the parties, rather the idea is that every legal remedy must be kept alive for a legislatively fixed period of time, as has been held in the judgment rendered by the Hon'ble Apex Court in ***Brijesh Kumar & Ors. Vrs. State of Haryana & Ors., (2014) 11 SCC 351.***

11. The Privy Council in ***General Accident Fire and Life Assurance Corpn. Ltd. v. Janmahomed Abdul Rahim, (1939-40) 67 IA 416***, relied upon the writings of Mr. Mitra in Tagore Law Lecturers, 1932, wherein, it has been said that:

> *"A Law of limitation and prescription may appear to operate harshly and unjustly in a particular case, but if the law provides for a limitation, it is to be enforced even at the risk of hardship to a particular party as the Judge cannot, on equitable grounds, enlarge the time allowed by the law, postpone its operation, or introduce exceptions not recognized by law."*

12. In ***P.K. Ramachandran v. State of Kerala, (1997) 7 SCC 556***, the Apex Court while considering a case of condonation of delay of 565 days, wherein no explanation much less a reasonable or satisfactory explanation for condonation of delay had been given, held at paragraph-6 as under:

> *"6. Law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes and the courts have no power to extend the period of limitation on equitable grounds."*

13. While considering the similar issue, the Hon'ble Apex Court in ***Esha Bhattacharjee v. Raghunathpur Nafar Academy, (2013) 12***

SCC 649, wherein, it has been held as under:

> *"21.5 (v) Lack of bona fides imputable to a party seeking condonation of delay is a significant and relevant fact.*
> *21.7. (vii) The concept of liberal approach has to encapsulate the conception of reasonableness and it cannot be allowed a totally unfettered free play.*
> *21.9. (ix) the conduct, behavior and attitude of a party relating to its inaction or negligence are relevant factors to be taken into consideration. It is so as the fundamental principle is that the courts are required to weigh the scale of balance of justice in respect of both parties and the said principle cannot be given a total go-by in the name of liberal approach.*
> *22.4. (d) The increasing tendency to perceive delay as a non-serious matter and, hence, lackadaisical propensity can be exhibited in a nonchalant manner requires to be curbed, of course, within legal parameters."*

14. It is settled position of Law that when a litigant does not act with bona fide motive and at the same time, due to inaction and laches on its part, the period of limitation for filing the appeal expires, such lack of bona fide motive and gross inaction and negligence are the vital factors which should be taken into consideration while considering the question of condonation of delay. Reference in this regard may be made to the judgment rendered by the Division Bench of Gujarat High Court in ***State of Gujarat through Secretary & Anr.***

Vrs. Kanubhai Kantilal Rana, ***2013 SCC Online Guj. 4202***, wherein, at pargraph-17, it has been held that "Law having prescribed a fixed period of limitation of 30 days for preferring the appeal, the Government cannot ignore the provisions of the period of limitation as it was never the intention of the legislature that there should be a different period of limitation when the Government is the appellant."

15. In the case of ***Post Master General & Ors. Vrs. Living Media India Limited & Anr., [(2012) 3 SCC 563],*** it has been held by the Hon'ble Apex Court at paragraphs-27 to 29 as under:

> *"**27.** It is not in dispute that the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitation for taking up the matter by way of filing a special leave petition in this Court. They cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings. In the absence of plausible and acceptable explanation, we are posing a question why the delay is to be condoned mechanically merely because the Government or a wing of the Government is a party before us.*
>
> ***28.** Though we are conscious of the fact that in a matter of condonation of delay when there was no gross negligence or deliberate inaction or lack of bona fides, a liberal concession has to be adopted to advance substantial justice, we are of the view that in the facts and circumstances, the Department cannot take advantage of various earlier decisions. The claim on account of impersonal machinery and inherited bureaucratic methodology of making*

several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody, including the Government.

29. *In our view, it is the right time to inform all the government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bona fide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red tape in the process. The government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used as an anticipated benefit for the government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few."*

16. Likewise, the Hon'ble Apex Court in ***State of Madhya Pradesh & Anr. Vrs. Chaitram Maywade, [(2020) 10 SCC 667]***, after referring to the judgment rendered by the Hon'ble Apex Court in ***Post Master General & Ors. Vrs. Living Media India Limited & Anr.***, (supra) has held at paragraphs 1 to 5 as hereunder:

"***1.****The State of Madhya Pradesh continues to do the same thing again and again and the conduct seems to be incorrigible. The special leave petition has been filed after a delay of 588 days. We had an occasion to deal with such inordinately delayed filing of the appeal by the State of Madhya Pradesh in State of M.P. v. Bherulal [State of M.P. v. Bherulal, (2020) 10 SCC 654] in terms of our order dated 15-10-2020.*

2. *We have penned down a detailed order in that case and we see no purpose in repeating the same reasoning again except to record what are stated to be the facts on which the delay is sought to be condoned. On 5-1-2019, it is stated that the Government Advocate was approached in respect of the judgment delivered on 13-11-2018 [Chaitram Maywade v. State of M.P., 2018 SCC OnLine HP 1632] and the Law Department permitted filing of the SLP against the impugned order on 26-5-2020. Thus, the Law Department took almost about 17 months' time to decide whether the SLP had to be filed or not. What greater certificate of incompetence would there be for the Legal Department.*

3. *We consider it appropriate to direct the Chief Secretary of the State of Madhya Pradesh to look into the aspect of revamping the Legal Department as it appears that the Department is unable to file appeals within any reasonable period of time much less within limitation. These kinds of excuses, as already recorded in the aforesaid order, are no more admissible in view of the judgment in Postmaster General v. Living Media (India) Ltd. [Postmaster General v. Living Media (India) Ltd., (2012) 3 SCC 563 : (2012) 2 SCC (Civ) 327 : (2012) 2 SCC (Cri) 580 : (2012) 1 SCC (L&S) 649]*

4. *We have also expressed our concern that these kinds of the cases are only "certificate cases" to obtain a certificate of dismissal from the Supreme Court to put a quietus to the issue. The object is to save the skin of officers who may be in default. We have also recorded the irony of the situation where no action is taken against the officers who sit on these files and do nothing.*

> ***5.*** *Looking to the period of delay and the casual manner in which the application has been worded, the wastage of judicial time involved, we impose costs on the petitioner State of Rs 35,000 to be deposited with the Mediation and Conciliation Project Committee. The amount be deposited within four weeks. The amount be recovered from the officer(s) responsible for the delay in filing and sitting on the files and certificate of recovery of the said amount be also filed in this Court within the said period of time. We have put to Deputy Advocate General to caution that for any successive matters of this kind the costs will keep on going up."*

17. The Hon'ble Apex Court in ***Ramlal, Motilal and Chhotelal Vrs. Rewa Coalfields Ltd., (1962) 2 SCR 762***, has held that merely because sufficient cause has been made out in the facts of the given case, there is no right to the appellant to have delay condoned. At paragraph-12, it has been held as hereunder:-

> *"**12.** It is, however, necessary to emphasise that even after sufficient cause has been shown a party is not entitled to the condonation of delay in question as a matter of right. The proof of a sufficient cause is a condition precedent for the exercise of the discretionary jurisdiction vested in the court by Section 5. If sufficient cause is not proved nothing further has to be done; the application for condoning delay has to be dismissed on that ground alone. If sufficient cause is shown then the court has to enquire whether in its discretion it should condone the delay. This aspect of the matter naturally introduces the consideration of all relevant facts and it is at this stage that diligence of the party or its bona fides*

may fall for consideration; but the scope of the enquiry while exercising the discretionary power after sufficient cause is shown would naturally be limited only to such facts as the court may regard as relevant. It cannot justify an enquiry as to why the party was sitting idle during all the time available to it. In this connection we may point out that considerations of bona fides or due diligence are always material and relevant when the court is dealing with applications made under Section 14 of the Limitation Act. In dealing with such applications the court is called upon to consider the effect of the combined provisions of Sections 5 and 14. Therefore, in our opinion, considerations which have been expressly made material and relevant by the provisions of Section 14 cannot to the same extent and in the same manner be invoked in dealing with applications which fall to be decided only under Section 5 without reference to Section 14. In the present case there is no difficulty in holding that the discretion should be exercised in favour of the appellant because apart from the general criticism made against the appellant's lack of diligence during the period of limitation no other fact had been adduced against it. Indeed, as we have already pointed out, the learned Judicial Commissioner rejected the appellant's application for condonation of delay only on the ground that it was appellant's duty to file the appeal as soon as possible within the period prescribed, and that, in our opinion, is not a valid ground.

18. Thus, it is evident that while considering the delay condonation application, the Court of Law is required to consider the sufficient cause for condonation of delay as also the approach of the litigant as

to whether it is bona fide or not as because after expiry of the period of limitation, a right is accrued in favour of the other side and as such, it is necessary to look into the bona fide motive of the litigant and at the same time, due to inaction and laches on its part.

19. It also requires to refer herein that what is the meaning of 'sufficient cause'. The consideration of meaning of 'sufficient cause' has been made in ***Basawaraj & Anr. Vrs. Spl. Land Acquisition Officer, [(2013) 14 SCC 81]*****,** wherein, it has been held by the Hon'ble Apex Court at paragraphs 9 to 15 hereunder:-

> *"**9.** Sufficient cause is the cause for which the defendant could not be blamed for his absence. The meaning of the word "sufficient" is "adequate" or "enough", inasmuch as may be necessary to answer the purpose intended. Therefore, the word "sufficient" embraces no more than that which provides a platitude, which when the act done suffices to accomplish the purpose intended in the facts and circumstances existing in a case, duly examined from the viewpoint of a reasonable standard of a cautious man. In this context, "sufficient cause" means that the party should not have acted in a negligent manner or there was a want of bona fide on its part in view of the facts and circumstances of a case or it cannot be alleged that the party has "not acted diligently" or "remained inactive". However, the facts and circumstances of each case must afford sufficient ground to enable the court concerned to exercise discretion for the reason that whenever the court exercises discretion, it has to be exercised judiciously. The applicant must satisfy the court that he was prevented by any "sufficient cause" from prosecuting his case, and unless a satisfactory explanation is furnished, the*

court should not allow the application for condonation of delay. The court has to examine whether the mistake is bona fide or was merely a device to cover an ulterior purpose. (See Manindra Land and Building Corpn. Ltd. v. Bhutnath Banerjee [AIR 1964 SC 1336] , Mata Din v. A. Narayanan [(1969) 2 SCC 770 : AIR 1970 SC 1953] , Parimal v. Veena [(2011) 3 SCC 545 : (2011) 2 SCC (Civ) 1 : AIR 2011 SC 1150] and Maniben Devraj Shah v. Municipal Corpn. of Brihan Mumbai [(2012) 5 SCC 157 : (2012) 3 SCC (Civ) 24 : AIR 2012 SC 1629] .)

***10.** In Arjun Singh v. Mohindra Kumar [AIR 1964 SC 993] this Court explained the difference between a "good cause" and a "sufficient cause" and observed that every "sufficient cause" is a good cause and vice versa. However, if any difference exists it can only be that the requirement of good cause is complied with on a lesser degree of proof than that of "sufficient cause".*

***11.** The expression "sufficient cause" should be given a liberal interpretation to ensure that substantial justice is done, but only so long as negligence, inaction or lack of bona fides cannot be imputed to the party concerned, whether or not sufficient cause has been furnished, can be decided on the facts of a particular case and no straitjacket formula is possible. (Vide Madanlal v. Shyamlal [(2002) 1 SCC 535 : AIR 2002 SC 100] and Ram Nath Sao v. Gobardhan Sao [(2002) 3 SCC 195 : AIR 2002 SC 1201] .)*

***12.** It is a settled legal proposition that law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes. The court has no power to extend the period of limitation on equitable grounds. "A result flowing from a statutory provision is never an evil. A court has no power to ignore that provision to relieve*

what it considers a distress resulting from its operation." The statutory provision may cause hardship or inconvenience to a particular party but the court has no choice but to enforce it giving full effect to the same. The legal maxim dura lex sed lex which means "the law is hard but it is the law", stands attracted in such a situation. It has consistently been held that, "inconvenience is not" a decisive factor to be considered while interpreting a statute.

13. *The statute of limitation is founded on public policy, its aim being to secure peace in the community, to suppress fraud and perjury, to quicken diligence and to prevent oppression. It seeks to bury all acts of the past which have not been agitated unexplainably and have from lapse of time become stale. According to Halsbury's Laws of England, Vol. 28, p. 266:*

"605. Policy of the Limitation Acts.—The courts have expressed at least three differing reasons supporting the existence of statutes of limitations namely, (1) that long dormant claims have more of cruelty than justice in them, (2) that a defendant might have lost the evidence to disprove a stale claim, and (3) that persons with good causes of actions should pursue them with reasonable diligence."

An unlimited limitation would lead to a sense of insecurity and uncertainty, and therefore, limitation prevents disturbance or deprivation of what may have been acquired in equity and justice by long enjoyment or what may have been lost by a party's own inaction, negligence or laches. (See Popat and Kotecha Property v. SBI Staff Assn. [(2005) 7 SCC 510] , Rajender Singh v. Santa Singh [(1973) 2 SCC 705 : AIR 1973 SC 2537] and Pundlik Jalam Patil v. Jalgaon Medium Project [(2008) 17 SCC 448 : (2009) 5 SCC (Civ) 907] .)

> ***14.*** *In P. Ramachandra Rao v. State of Karnataka [(2002) 4 SCC 578 : 2002 SCC (Cri) 830 : AIR 2002 SC 1856] this Court held that judicially engrafting principles of limitation amounts to legislating and would fly in the face of law laid down by the Constitution Bench in Abdul Rehman Antulay v. R.S. Nayak [(1992) 1 SCC 225 : 1992 SCC (Cri) 93 : AIR 1992 SC 1701] .*
>
> ***15.*** *The law on the issue can be summarised to the effect that where a case has been presented in the court beyond limitation, the applicant has to explain the court as to what was the "sufficient cause" which means an adequate and enough reason which prevented him to approach the court within limitation. In case a party is found to be negligent, or for want of bona fide on his part in the facts and circumstances of the case, or found to have not acted diligently or remained inactive, there cannot be a justified ground to condone the delay. No court could be justified in condoning such an inordinate delay by imposing any condition whatsoever. The application is to be decided only within the parameters laid down by this Court in regard to the condonation of delay. In case there was no sufficient cause to prevent a litigant to approach the court on time condoning the delay without any justification, putting any condition whatsoever, amounts to passing an order in violation of the statutory provisions and it tantamounts to showing utter disregard to the legislature."*

20. Thus, it is evident that the sufficient cause means that the party should not have acted in a negligent manner or there was a want of bona fide on its part in view of the facts and circumstances of a case or it cannot be alleged that the party has "not acted deliberately" or "remained inactive". However, the facts and circumstances of each

case must afford sufficient ground to enable the Court concerned to exercise discretion for the reason that whenever the Court exercises discretion, it has to be exercised judiciously. The applicant must satisfy the Court that he was prevented by any "sufficient cause" from prosecuting his case, and unless a satisfactory explanation is furnished, the Court should not allow the application for condonation of delay. The Court has to examine whether the mistake is bona fide or was merely a device to cover the ulterior purpose as has been held in ***Manindra Land and Building Corporation Ltd. Vrs. Bhootnath Banerjee & Ors., AIR 1964 SC 1336, Lala Matadin Vrs. A. Narayanan, (1969) 2 SCC 770, Parimal Vrs. Veena @ Bharti, (2011) 3 SCC 545 and Maniben Devraj Shah Vrs. Municipal Corporation of Brihan Mumbai, (2012) 5 SCC 157.***

21. It has further been held in the aforesaid judgments that the expression 'sufficient cause' should be given a liberal interpretation to ensure that substantial justice is done, but only so long as negligence, inaction or lack of bona fides cannot be imputed to the party concerned, whether or not sufficient cause has been furnished, can be decided on the facts of a particular case and no straitjacket formula is possible, reference in this regard may be made to the judgment rendered by the Hon'ble Apex Court in ***Ram Nath Sao @ Ram Nath Sahu & Ors. Vrs. Gobardhan Sao & Ors., (2002) 3 SC 195***, wherein, at paragraph-12, it has been held as hereunder:-

> *"**12.** Thus it becomes plain that the expression "sufficient cause" within the meaning of Section 5 of the Act or Order 22 Rule 9 of the Code or any other*

similar provision should receive a liberal construction so as to advance substantial justice when no negligence or inaction or want of bona fides is imputable to a party. In a particular case whether explanation furnished would constitute "sufficient cause" or not will be dependent upon facts of each case. There cannot be a straitjacket formula for accepting or rejecting explanation furnished for the delay caused in taking steps. But one thing is clear that the courts should not proceed with the tendency of finding fault with the cause shown and reject the petition by a slipshod order in over-jubilation of disposal drive. Acceptance of explanation furnished should be the rule and refusal, an exception, more so when no negligence or inaction or want of bona fides can be imputed to the defaulting party. On the other hand, while considering the matter the courts should not lose sight of the fact that by not taking steps within the time prescribed a valuable right has accrued to the other party which should not be lightly defeated by condoning delay in a routine-like manner. However, by taking a pedantic and hypertechnical view of the matter the explanation furnished should not be rejected when stakes are high and/or arguable points of facts and law are involved in the case, causing enormous loss and irreparable injury to the party against whom the lis terminates, either by default or inaction and defeating valuable right of such a party to have the decision on merit. While considering the matter, courts have to strike a balance between resultant effect of the order it is going to pass upon the parties either way."

22. This Court, after considering the aforesaid proposition and the explanation furnished in the delay condonation application to condone the inordinate delay of 326 days, is proceeding to examine as to whether the explanation furnished can be said to be sufficient explanation for condoning the delay.

23. It is evident from the judgments referred hereinabove, wherein, expression 'sufficient cause' has been dealt with which means that the party should not have acted in a negligent manner or there was a want of bona fide on its part in view of the facts and circumstances of a case or it cannot be alleged that the party has "not acted

deliberately" or "remained inactive".

24. It is evident from explanation furnished in the delay condonatio application that the order dated 18.04.2022 has come to the knowledge of the State authority on 10.05.2022, as would appear from paragraph-4 of the application filed for condonation of delay, but, it would be evident from the record that the requisition for obtaining the certified copy has been made on 11.04.2023, i.e., after lapse of about 1 year but there is no explanation to that effect.

25. Further, the ground which has been taken that the said order impugned has come to the knowledge of the State only on 10.05.2022, cannot be said to be acceptable, rather, it is to be rejected on the ground that the day when the case was disposed of, the State was represented through his counsel and as such, it is incorrect on the part of the State counsel to take the ground that the said order came into their knowledge on 10.05.2022.

26. This Court, therefore, is of the considered view that the reason assigned for condoning the 326 days delay in filing the appeal, cannot be said to be sufficient explanation to condone the delay.

27. The coordinate Bench of this Court has passed an order in L.P.A. No.86 of 2021 on 05.01.2022 rejecting the delay condonation application since the appeal was filed after delay of about 687 days without any sufficient cause to condone the delay.

28. The reference of another case is required to be made herein of an order passed by the coordinate Bench of this Court in L.P.A.

No.835 of 2019, wherein, the issue of condoning the delay of 568 days was under consideration.

29. The coordinate Bench of this Court has not found the reason furnished by the State appellants therein to be sufficient cause on the ground of movement of file from one table to another by putting reliance upon the judgment rendered by the Hon'ble Apex as referred hereinabove.

30. The State appellant has travelled to the Hon'ble Apex Court by filing the SLP being SLP No.7755 of 2022 and has challenged the order passed in L.P.A. No.835 of 2019 but the said SLP No.7755 of 2022 has been dismissed as would appear from the order dated 13.05.2022.

31. The Hon'ble Apex Court has dismissed one Special Leave to Appeal (C) Nos.8378-8379/2023 on 28th April, 2023 filed by the State of Jharkhand which was filed against the order passed by this Court in L.P.A. No.99 of 2021, wherein the coordinate Bench of this Court dismissed the said appeal on the basis of delay of 534 days in filing of the appeal.

32. Recently, the Hon'ble Apex Court has also dismissed S.L.P.(C) Diary No.(S) No.3188 of 2024 on 02.02.2024 filed by the State of Jharkhand against the order dated 14.08.2023 passed by this Court in L.P.A. No.401 of 2022, wherein, the delay of 259 days was not condoned.

33. This Court, applying the principle laid down by the Hon'ble

Apex Court as also considering the fact that the delay of 326 days has not sufficiently been explained and as such, the instant interlocutory application deserves to be dismissed.

34. Accordingly, the delay condonation application being I.A. No.5380 of 2023 is hereby, dismissed.

35. In consequence thereof, the instant Letters Patent Appeal also stands dismissed.

36. Pending Interlocutory application(s), if any, also stands disposed of.

(Sujit Narayan Prasad, A.C.J.)

(Arun Kumar Rai, J.)

Rohit/-**A.F.R**.