

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.71 of 2022

In
Civil Writ Jurisdiction Case No.19970 of 2019

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1. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna.
 2. The Principal Secretary, Education Department, Government of Bihar, Patna.
 3. The Vice-Chancellor, Lalit Narayan Mithila University, Darbhanga.
 4. The Registrar, Lalit Narayan Mithila University, Darbhanga.
 5. The Finance Officer, Lalit Narayan Mithila University, Darbhanga.
 6. The Principal, R.C.S. College, Manjhaul, Begusarai.

... .. Appellant/s

Versus

Vinay Kumar Srivastava Son of Late Umakant Prasad, Resident of Village - Azamgarh, P.S. - Dumra, District - Sitamarhi, at present posted as Assistant Teacher (Matric Trained) Middle School Rampur Parori East, Block Dumra, P.S. Dumra, District - Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ram Vinay Prasad Singh, AC to GA-12.
For the Respondent/s	:	Mr. Madhurendra Kumar, Advocate.
	:	Mr. Anmol Ratan, Advocate.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

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

6 24-01-2025

Re:-I.A. No.01 of 2022

Heard I.A. No.01 of 2022 for condonation of delay in filing L.P.A. No.71 of 2022. There is delay of about 2 years, 3 months and 10 days in assailing the order of Learned Single Judge dated 01.10.2019 passed in C.W.J.C. No.19970 of 2019. For the purpose of condonation of delay it is narrated in paragraph nos.4 to 6 of the I.A. No.01 of 2022 which is stated as



under:-

4. That on coming to know of the actual factual position that the matter had been deliberated at the Directorate for deciding the future course of action.

5. That accordingly the grounds for preferring appeal have been settled.

6. 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 of 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 instruction 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. Perusal of the aforementioned statements, one cannot draw inference that what is the date of cause of action accrued to the appellants and how the delay has been taken note of like cause of action accrued to the appellants on 01.11.2019, thereafter there is no calculation or dates and events, very vaguely stated the reasons in paragraph nos.4 to 6 for condonation of delay. It is to be noted that the present L.P.A. is on behalf of State. They are filing number of L.P.A's., they have not learnt how to prepare I.A. for condonation of delay in view of paragraph nos.4 to 6 of the I.A. No.01 of 2022. Having regard to



the delay of about 2 years, 3 months and 10 days and the L.P.A. is on behalf of the State, the delay cannot be condoned in the light of Hon'ble Supreme Court decisions in the case of **State of Madhya Pradesh vs. Ramkumar Choudhary** decided in [SLP (C) Diary No.48636 of 2024] on November 29, 2024 read with **H. Guruswamy & Ors. vs. A. Krishnalah** reported in **2025 SCC OnLine SC 54**. The Hon'ble Supreme Court in the later decision has taken note of that litigant has to explain delay from the date of judgment.

3. In the light of the principle laid down in the aforementioned decisions, the appellants have not made out a case so as to condone the delay of about 2 years, 3 months and 10 days, accordingly, the I.A. No.01 of 2022 stands rejected.

Re:-L.P.A. No.71 of 2022

4. Consequently, L.P.A. No.71 of 2022 stands dismissed.

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

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

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