

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.85 of 2022

In
Civil Writ Jurisdiction Case No.1299 of 2007

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1. The State of Bihar.
 2. The Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
 3. The Director, Primary Education, Bihar, Patna.
 4. The District Superintendent of Education, Siwan.

... .. Appellant/s

Versus

Raj Kishore Singh Son of Late Indradeo Singh, resident of Village -
Mahmadpur, P.S. - G.B. Nagar, District - Siwan.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vivek Anand Amritesh, AC to SC-28.
For the Respondent/s : Mr. Bipin Bihari Singh, Advocate.

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

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

8 13-02-2025

Re:-I.A. No.02 of 2024

Heard I.A. No.02 of 2024.

2. There is a delay of about 3 years and 214 days in filing L.P.A. No.85 of 2022 in assailing the order of learned Single Judge dated 25.06.2018 passed in C.W.J.C. No.1299 of 2007. It is not a fit case for filing L.P.A. in view of the directions of the learned Single Judge dated 25.06.2018. It is necessary to reproduce paragraph no.14 of the said order. Paragraph no.14 is as under:-



“14. Under the peculiar facts and circumstances, the Court while quashing the order contained in Annexure-6 and remitting the matter back to the respondents directs the respondents to act in accordance with the principle laid down in the case of Managing Director, ECIL, Hyderabad vs. B. Karunakar (supra) and Rule 43(b) and 139 of the Bihar Pension Rules and take final decision on remand by a reasoned and speaking order within a period of six months from the date of receipt/ production of a copy of this order after providing opportunity of fair hearing to the petitioner under Bihar Pension Rules.”

3. Unnecessarily certain officers are advising to file L.P.A. irrespective of merit or not. Be that as it may, I.A. No.02 of 2024 for condonation of delay of about 3 years and 214 days has been filed after lapse of about 2 years from the date of filing of L.P.A. It is a State L.P.A., they must be model to others insofar as filing L.P.A. It is a common sense insofar as filing L.P.A. in the year 2022 against the order dated 25.06.2018 to the extent that there is a delay on the face of record, still appellants-State have not filed I.A. for condonation of delay in the year 2022 alongwith L.P.A. Further cause of action accrued to the appellants-State on 24.07.2018. There is no explanation from 24.07.2018 to 14.03.2020 so as to examine the delay while excluding Covid-19 period from 15.03.2020 to 22.02.2022. In other words, there is no sufficient explanation so as to condone



the delay from 24.07.2018 to 14.03.2020. Recently Hon'ble Supreme Court in the case of **State of Madhya Pradesh vs. Ramkumar Choudhary** decided in [SLP (C) Diary No.48636 of 2024] on November 29, 2024 elaborately discussed in respect of filing belated litigation on behalf of the State and deprecated while imposing cost. Thereafter in another decision in the case of **H. Guruswamy & Ors. vs. A. Krishnalah** reported in **2025 SCC OnLine SC 54** in which the Hon'ble Supreme Court was pleased to observe that the concerned litigant has to explain delay from the date of cause of action. In the case of **State of Madhya Pradesh and Ors. vs. Gokulchand & Anr., Special Leave Petition (Civil) Diary No.(s) 61179 of 2024** the Hon'ble Supreme Court has called explanation from the Chief Secretary of the State of Madhya Pradesh insofar as filing frivolous litigation before the Hon'ble Supreme Court.

4. Taking note of the aforementioned judicial pronouncements, it is a fit case for rejecting I.A. No.02 of 2024 for condonation of delay of about 3 years and 214 days in filing L.P.A. No.85 of 2022. Accordingly, I.A. No.02 of 2024 stands rejected.

Re:-L.P.A. No.85 of 2022

5. Consequently, L.P.A. No.85 of 2022 stands



dismissed with cost of Rs.10,000/-. The appellant-State is directed to remit cost in the Lawyers' Association Welfare Benevolent Fund, Indian Bank, Branch - LNMI, Bailey Road, Patna, IFSC No.IDIB000L501 having Bank Account No.7801893276.

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

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

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