

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.215 of 2020

1. The State of Bihar through its Principal Secretary, Department of Education, New Secretariat, Vikas Bhawan, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Vikas Bhawan, Patna.
3. The Director (Secondary Education), Department of Education, Bihar Secondary Education Office, Budh Marg, Patna.
4. The District Education Officer, Bhojpur (Ara).

... .. Appellant/s

Versus

Akhilesh Kumar Arya Son of Late Ramlochan Shah Resident of Village and P.O.- Bampali, P.S. Udwanatnagar, District- Bhojpur (Ara), Presently posted as Assistant Teacher (Sanskrit) in Shiv Govind Sah Project Girls High School, Shahpur Patti, Bhojpur (Bihar).

... .. Respondent/s

with

Letters Patent Appeal No. 212 of 2020
In
Civil Writ Jurisdiction Case No.18812 of 2011

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Human Resources Development Department, Bihar, Patna.
3. The Director, Secondary Education, Bihar, Patna.
4. The District Magistrate, Patna.
5. The Regional Deputy Director of Education, Patna.

... .. Appellant/s

Versus

Annapurna Kumari Wife of Madhusudan Prasad Resident of Village and P.S.- Pandarak, District- Patna.

... .. Respondent/s

with

CIVIL REVIEW No. 309 of 2024
In
Letters Patent Appeal No.345 of 2019

1. The State of Bihar through the Chief Secretary Govt. of Bihar, Patna
2. The Principal Secretary, Human Resources Development Department, Bihar, Patna



3. The Director, Secondary Education Bihar, Patna
4. The District Magistrate, Patna
5. The Regional Deputy Director of Education, Patna

... .. Petitioner/s

Versus

Smt Renu kumari D/o Shri Ram Dular Sharma R/o Pandarak, P.S.-Pandarak,
Distt.Patna.

... .. Opposite Party/s

Appearance :

(In Letters Patent Appeal No. 215 of 2020)

For the Appellant/s : Mr.Shashi Shekhar Tiwary (Ac To Aag15)

For the Respondent/s : Mr.

(In Letters Patent Appeal No. 212 of 2020)

For the Appellant/s : Mr.Shashi Shekhar Tiwary (Ac To Aag15)

For the Respondent/s : Mr.Siddharth Harsh

(In CIVIL REVIEW No. 309 of 2024)

For the Petitioner/s : Mr.Ravi Kumar (Ac To Aag 13)

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA

ORAL ORDER

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

7 07-02-2025

Re:CIVIL REVIEW No. 309 of 2024

Civil review No. 309 of 2024 is to review the order dated 30.08.2024 passed in LPA No. 1438 of 2019 arising out CWJC No. 7814 of 2019.

2. Registry is hereby requested to place this matter before the Bench consisting of myself P.B.Bajanthri, J and Alok Kumar Pandey, J.

3. Relist this matter on 14.02.2025.

Re:Letters Patent Appeal No.215 of 2020

4. The present LPA is filed in assailing the order dated



17.09.2019 passed in CWJC No. 10666 of 2019. There is a delay about 136 days in filing LPA No. 215 of 2020. For the reasons stated in the application read with the affidavit delay of about 136 days stands condoned. Accordingly, I.A. No. 01 of 2024 stands allowed.

5. Heard LPA No. 215 of 2020. The appellants have assailed the order of learned Single Judge dated 17.09.2019 passed in CWJC No. 10666 of 2019. The learned Single has allowed the matter in the light of order passed in CWJC No. 17284 of 2011 dated 14.09.2018. However, the present LPA is filed by the State without producing copy of the order dated 14.09.2018 passed in CWJC No. 17284 of 2011. Further, without asserting how the order dated 14.09.2018 passed CWJC No. 17284 of 2011 is not applicable to the case in hand. Even learned counsel for the State - Mr. *Shashi Shekhar Tiwary* has not brought copy of the judgment dated 14.09.2018 passed in CWJC No. 17284 of 2011 for the purpose of perusal of the same and the present LPA is pending consideration from the year 2020.

6. Accordingly, LPA No. 215 of 2020 stands dismissed.



Re:Letters Patent Appeal No.212 of 2020

7. The present LPA is filed in assailing the order dated 14.09.2018 passed in CWJC No. 17284 of 2011. It was presented on 2nd March, 2020. Assuming that if COVID-19 period is excluded from March 2020 till February 2022, still there is three years delay in filing I.A. No. 01 of 2025 for condonation of delay. I.A. No. 01 of 2025 for condonation of delay has been presented on 05.02.2025. Perusal of I.A. No. 01 of 2025 for condonation of delay, in para 8 number of days is left blank. In the absence of calculation of number of days of delay and explaining in the application read with the affidavit, it is evident that very casually litigation are filed on behalf of the State. This is not an isolated case, we have come across in number of cases wherever Interlocutory Application for condonation of delay is presented on behalf of the State in LPA matters, invariably we found that certain blanks in the application and so also number of days of delay has not been calculated and explained properly. This is a fit case for imposition of cost also. State-appellants have not reforming themselves for the reasons that for the last about two years we are passing number of orders insofar as how Interlocutory Application for condonation of delay is required to be prepared



and submitted and so also to overcome the delay. State has to take note of single window system to avoid delay in filing litigation. These observations have been overlooked and there is no reform in the State insofar as filing belated litigation and that too in very causal manner whereas we are condoning I.A. No. 01 of 2025 in LPA No. 212 of 2020. Therefore, filing I.A. in the year 2025 with similar errors is deprecated.

8. Accordingly I.A. No. 01 of 2025 stands rejected. Consequently, LPA No. 212 of 2020 dismissed with cost of Rs. 10,000/- (Rupees Ten Thousand Only). Cost shall be remitted in the Lawyers' Association Welfare Benevolent Fund, Patna bearing Account No. 7801893276, IFSC Code- IDIB0001501 within a period of eight weeks from today.

9. Pending Interlocutory Application(s), if any, stands disposed of.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

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