

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.251 of 2020

In
Civil Writ Jurisdiction Case No.4360 of 2007

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The State of Bihar through the Commissioner-cum-Secretary, Department of Human Resources Development, Govt. of Bihar, Patna.

... .. Appellant

Versus

1. Md. Rafi Ahmad Son of Late Md. Alim Presently working as Assistant Librarian, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
2. Anand Verma Son of Birendra Kumar Verma Presently working as Laboratory Technician, Department of Zoology, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
3. Arya Kumar Son of Sukhdeo Prasad Presently working as Accountant, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
4. Rajiv Ranjan Son of Savalia Bihari Sharan Presently working on the post of Clerk, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
5. Rajeshwar Pathak Son of Ram Harsh Pathak Presently working as Library Sorter, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
6. Radha Krishna Tiwary Son of Adhya Shankar Tiwary Presently working as Routine Clerk, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
7. Ajay Kumar Singh Son of Abhay Nandan Lal Sinha Presently working as Counter Cashier, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
8. Moinul Haque Son of Ainul Haque Presently working as Lab. Technician, Department of Physics, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
9. Sudhir Kumar Verma Son of Late Heera Prasad Verma Presently working as Physical Training Instructor, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
10. Birendra Kumar Mishra Son of Roopath Mishra Presently working as Lab Incharge, Dept. of Psychology, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
11. Mohan Prasad Son of Girija Nandan Prasad Presently working as Lab Technician, Dept. of Botany, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.



12. Hari Shankar Tiwary Son of Baldeo Tiwary Presently working as Lab Technician, Dept. of Chemistry, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
13. Keshav Kishore Pandey S/o Late Phulena Pandey Presently working as Correspondence Clerk, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
14. Ashraf Ali Khan S/o Late Attar Hussain Khan Presently working as Routine Clerk, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
15. Bhushan Tiwary S/o Bishwanath Tiwary Presently working as Lab. In-charge, Dept. of Geography, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
16. Sunil Kumar Verma S/o Jamuna Prasad Presently working as Physical Training Instructor, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
17. Shankar Raut S/o Late Jhakar Raut Presently working as Routine Clerk, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
18. Nisar Ahmad S/o Late Sheikh Ali Hassan Presently working as Routine Clerk, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
19. Hardwar Thakur S/o Kari Thakur Presently working as Peon, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
20. Muni Lal Prasad S/o Ashrafi Raut Presently working as Peon, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
21. Bacha Mishra S/o Late Kapil Mishra Presently working as Peon, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
22. Shatrughan Dubey S/o Ghanghi Dubey Presently working as Peon, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
23. Manager Singh S/o Jagat Narain Singh Presently working as Night Guard, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
24. Bishwanath Prasad S/o Indrasan Prasad Presently working as Peon, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
25. Hari Prasad S/o Naresh Prasad Presently working as Peon, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
26. Sheo Sharan Hazra S/o Shri Sukan Hazra Presently working as Peon, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
27. Banarsi Mahto S/o Late Donda Mahto Presently working as Peon, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.



28. Braj Kishore Yadav S/o Ganga Prasad Yadav Presently working as Lab-boy, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
29. Dina Nath Tripathi S/o Shri Janaki Sharan Tripathi Presently working as Labboy, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
30. Dinesh Prasad S/o Mahesh Taut Presently working as Peon, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
31. Khedan Raut S/o Late Jagannath Raut Presently working as Lab-boy, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
32. Lal Chatri Mahto S/o Late Kishan Mahto Presently working as Peon, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
33. Kanchan Hazra S/o Bircha Hazra Presently working as Peon, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
34. Kedar Hazra S/o Ribhal Hazra Presently working as Peon, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
35. Pramod Pandey S/o Sukhdeo Pandey Presently working as Lab-boy, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
36. Lalan Chaudhary S/o Bijali Chaudhary Presently working as Specimen Collector, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
37. Sitaram Patel S/o Bhauli Raut Presently working as Gardner, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
38. Anil Kumar Verma S/o Late Lalan Prasad Verma Presently working as Lab-boy, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
39. Arjun Mishra S/o Shri Laxmikant Mishra Presently working as Clerk (Grade-III), T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
40. Danesh Raut S/o Late Ramjivan Raut Presently working as Peon, T.P. Verma College, Narkatiyaganj, Dist- West Champaran.
41. Chancellor, University of Bihar, Raj Bhawan, Patna.
42. BRA Bihar University, Muzaffarpur through its Registrar.
43. Vice Chancellor, BRA Bihar University, Muzaffarpur.
44. Registrar, BRA Bihar University, Muzaffarpur.

... ... Respondent/s

Appearance :

For the Appellant/s : Mr. Shashi Shekhar Tiwary (Ac To Aag15)
For the Respondent/s : Mr. Purushottam Kumar Jha, Advocate



**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)**

Date : 03-09-2025

Ref: I.A. No. 01 of 2020

Heard I.A. No. 01 of 2020 for condonation of delay. There is a delay of about 08 years 03 months and 14 days in filing L.P.A. No. 251 of 2020. The State-Appellant had cause of action on 19th November, 2011 pursuant to the order of the learned Single Judge dated 20.10.2011 passed in C.W.J.C. No. 4360 of 2007. Perusal of various paragraphs in support of condonation of delay application, there is no iota of material evidence to the extent from what date to what date delay has occurred and on what basis we have to condone enormous delay of about 08 years and few months and days.

2. The 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, while examining State litigation read with delay in filing litigation, it has deprecated and imposed cost of Rs. One Lakh. Taking note of the principle laid down by the Hon'ble Supreme Court in the aforementioned decision read with *H.*



Guruswamy & Ors. vs. A. Krishnaiah reported in **2025 SCC OnLine SC 54** decision, the Appellant has not made out a case so as to condone the enormous delay of about 08 years and few months and few days. Accordingly, the present I.A. for condonation of delay stands rejected. Consequently, L.P.A. stands dismissed with cost of Rs.5,000/- (Rs. Five Thousand). Cost shall be paid to the Respondents within a period of 08 weeks from today.

3. Pending I.As., if any, stands disposed of.

(P. B. Bajanthri, ACJ)

(Alok Kumar Sinha, J)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.09.2025
Transmission Date	NA

