

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.160 of 2022

1. The State of Bihar, through Principal Secretary, GAD, Bihar, Patna.
2. The Commissioner, Saran Division, Saran.
3. The District Magistrate, Gopalganj.
4. The Additional Collector, Gopalganj.
5. The Deputy Collector, Establishment, Gopalganj.
6. The Civil Surgeon, Gopalganj.
7. The District Employment Officer, Gopalganj.

... .. Appellant/s

Versus

1. Madan Ram, S/o Late Dahari Ram, Resident of Village - Rupchhap, P.S. - Bishambharpur, District - Gopalganj.
2. Bhagirathi Baitha, S/o Late Manak Baitha, Resident of Village - Sipaya, P.S. Bishambharpur, District - Gopalganj.
3. Birendra Rai, S/o Sheonath Rai, Resident of Village - Sipaya Farm, P.S. - Bishambharpur, District - Gopalganj.
4. The Birbal Baitha, S/o Late Manak Baitha, Resident of Village - Sipaya, P.S. - Bishambharpur, District - Gopalganj.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Suman Kumar Jha, AC to AAG-3.
For the Respondent/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)

4 18-02-2025

Re:-I.A. No.02 of 2022

Heard I.A. No.02 of 2022. There is a delay of about 2 years 10 months and 11 days in filing L.P.A. No.160 of 2022 in assailing the order of learned Single Judge dated 30.04.2019 passed in C.W.J.C. No.6714 of 2015. Reasons stated are in paragraph nos.2 to 5 which are as under:-



“2. That the matter as sent for opinion to the Law Department for seeking legal advice and thereafter as per the advice the present LPA is being preferred. However, the whole exercise has taken time of about eight months, which is not deliberate or intentional and fit to be condoned.

3. That the delay in filing of the LPA was not intentional and the same was caused due to circumstances of official paraphernalia which is beyond the control of appellants/ petitioners.

4. That there is an irrespirable loss to the appellants if the delay caused in filing the instant application is not condoned as the appellants have taken every good grounds for allowing the present memo of appeal.

5. That for ends of justice and fair play the delay caused in filing this Memo of Appeal may kindly be condoned.”

2. Sufficient cause has not been shown so as to condone the enormous delay of about 2 years 10 months and 11 days. Moreover 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 read with **H. Guruswamy & Ors. vs. A. Krishnaiah** reported in **2025 SCC OnLine SC 54** elaborately considered belated filing of litigation on behalf of State and deprecated while imposing cost. Resultantly I.A. No.02 of 2022 stands dismissed.

Re:-L.P.A. No.160 of 2022

3. Consequently, L.P.A. No.160 of 2022 stands dismissed.



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

5. At this stage, we have noticed that delay could have been condoned for the period from 15.03.2020 till February, 2022 whereas there is a delay of about eight months in the first spell and one month in the second spell, therefore, the delay cannot be condoned.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

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