

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.489 of 2021

In
Civil Writ Jurisdiction Case No.22996 of 2012

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1. The State of Bihar through The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
 2. The Director, Secondary Education, Human Resources Development Department, Govt. of Bihar, Patna.
 3. The Regional Deputy Director of Education, Patna.
 4. The District Education Officer, Nalanda at Biharsharif.

... .. Appellant/s

Versus

Rama Kant Sharma S/O Shri Krishnadeo Sharma R/O Village - Mehtarma,
P.S. - Tharthari, District- Nalanda, at Present Assistant Teacher in Project Ram
Kishun Bhimlal Girls High School- Chandī, P.S. - Chandī, District- Nalanda.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shashi Shekhar Tiwary (A.C. To A.A.G.5)
For the Respondent/s : Mr. Ram Sagar 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)

12 24-02-2025

Re : I.A. No. 1 of 2024

Appellants have assailed the order of the learned
Single Judge dated 14.09.2018 passed in CWJC No. 22996 of
2012. There is delay of about 2 years and 289 days in filing LPA
No. 489 of 2021. Reasons assigned in paragraph Nos. 5 and 6 of
I.A. No. 1 of 2024 are as under :

*“5. That thereafter the file was entrusted
to the Department Advocate on 15.10.2018 to
prepare ground of appeal.*

6. That thereafter the statement of facts



has been prepared and the file was returned back by the Department Advocate along with statement of facts for filing LPA on 12.08.2021.”

2. Subsequently, supplementary affidavit has been filed on behalf of the appellants to improve the I.A. No. 1 of 2024 for condonation of delay on 11.12.2024. Paragraph Nos. 3 and 4 of the supplementary affidavit read as under :

“3. That as informed earlier after disposed of the connected writ application i.e. CWJC No. 22996/2012 on 14.9.2018, within one month i.e. on 15.10.2018 the file was entrusted to the Department Advocate on 15.10.2018 to prepare ground of appeal, who despite having several ailments prepared the same within a reasonable time and handed over to the department concerned to obtain approval from the law department.

4. That in the mean time due to outbreak of Covid-19 pandemic some more delay caused, which was not at all deliberate one and while realizing the said difficulty Hon'ble Apex Court in M.A. No. 665 / 2021 in SMV(e) no. 3/2020, dated – 23.9.2021 relax the period from 15.3.2020 to 3.10.2021 also to condone the said delay.”

3. LPA should have been presented on or before 13.10.2018 whereas LPA has been presented on 12.08.2021. Sufficient cause has not been shown till 14.03.2020 in the light of the fact that COVID-19 period was in vogue with effect from 15.03.2020. In other words, appellants should have explained the cause insofar as belated filing of LPA during the intervening period from 13.10.2018 to 14.03.2020. Reading of the



aforementioned paragraphs of the I.A. and supplementary affidavit filed on behalf of the appellants, no reasons have been shown as to why departmental advocate kept the file for about 10 months. In the absence of sufficient reasons to condone the delay, the appellants have not made out a case. That apart, recently 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 29.11.2024 read with *H.Guruswamy and Ors. vs. A. Krishnalah* reported in 2025 SCC OnLine SC 54 elaborately considered insofar as filing belated litigation on behalf of the State / individuals. In view of the above, the appellants have not made out a case.

4. Accordingly, the present I.A. No. 1 of 2024 stands rejected. Resultantly, LPA No. 489 of 2021 is dismissed.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

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