

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.54 of 2021

In
Civil Writ Jurisdiction Case No.10326 of 2018

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1. The State of Bihar.
 2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
 3. The Director, Primary Education, Govt. of Bihar, Patna.
 4. The District Education Officer, Siwan.
 5. The District Programme Officer (Establishment), Siwan.
 6. The Block Education Officer, Andar, Siwan.

... .. Appellant/s

Versus

Amarnath, Son of Shri Ram Prakash, Permanent resident of Village-Dumri Kharwania, Deoria-274508 at present residing at Village-Bhartolia, P.S. Andar, Siwan-841231.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Madhaw Prasad Yadaw, Advocate
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)

5 03-03-2025

Re: I.A. No. 02 of 2021

Heard I.A. No. 01 of 2021 for condonation of delay
of about 464 days in filing LPA No. 54 of 2021.

2. The reason assigned for condonation of delay of
about 1 year and 99 days is at paras 8 and 9 of the I.A. No. 01 of
2021 reads as under:

*“8. That after obtaining copy of
the impugned order, making discussion and
preparing the memo of grounds vide letter no.*



1049 dated 19.09.2020 with memo of ground the District Education Officer, Siwan made request with the Director (Primary), Education, Department, Patna for grant of permission to file LPA against the said impugned order. The file of the case was placed before the director who gave consent on 25.09.2020 for filing of LPA and thereafter for filing of LPA the Principal Secretary of the Department was requested to forward the same to the Law Department on 06.10.2020 and on 12.10.2020 the file was allotted to the learned GP 23 and thereafter memo of appeal for letters patent appeal, limitation petition and stay petition have been drafted and the department was called for to oath and thereafter the instant LPA, and limitation is being filed.

9. That in view of the fact that circumstances of the case as stated above and due to the pandemic of Covid 2019 the delay has been caused which is not intentional rather it has been happened on account of procedural law and unavoidable circumstances.”

3. The cause of action accrued to the appellants with reference to the order of the learned Single Judge dated 18.07.2019 is on 17.08.2019. There is no explanation for about seven months from 18.08.2019 to 15.03.2020. 15.03.2020 is the date of commencement of Covid-19 period. From 15.03.2020 till 12.12.2020 would be Covid-19 period that can be condoned, however, in the absence of explanation for about seven months sufficient cause has not been shown in para 8 for about seven



months.

4. In the light of the aforementioned material information, the appellants have not made out a case for condonation of delay of about 464 days in filing LPA. Accordingly, I.A. No. 02 of 2021 stands rejected.

5. That apart, State is filing frivolous LPAs without perusing the decision of the learned Single Judge. In the present case, direction of the learned Single Judge is to examine the certificate as to whether respondent certificate is genuine or not. Thereafter, necessary decision must be taken by the concerned respondent within a maximum period of three months from the date of receipt /production of copy of this order with all consequential benefits. Instead of examining the respondents certificate to the extent whether it is genuine or not and to proceed to pass order or decision. Unnecessary the present LPA has been presented. Therefore, for filing frivolous LPA, appellants are hereby directed to pay cost of Rs. 5,000/-. Cost shall be remitted in the Lawyers' Association Welfare Benevolent Fund, Indian Bank, Branch-LNMI, Bailey Road, Patna, IFSC No. IDIB000L501 having Bank Account No. 7801893276 within a period of eight weeks from the date of receipt of this order.



6. In this backdrop, the present LPA No. 54 of 2021 stands dismissed.

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

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

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