

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.728 of 2021

In
Civil Writ Jurisdiction Case No.6190 of 2019

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1. The State of Bihar through the Principal Secretary, Dept. of Human Resources, Govt. of Bihar, Patna.
 2. The Commisioner, Saran Division, Chapra.
 3. The Director, Primary Education, Govt. of Bihar, Patna.
 4. The Collector, Gopalganj.
 5. The District Education Officer, Gopalganj.
 6. The District Programme Officer (Est.), Gopalganj.
 7. The Block Development Officer, Kuchaikot, District- Gopalganj.
 8. The Block Education Officer, Kuchaikot, District Gopalganj.
 9. The Panchayat Secretary, Gram Panchayat Raj Sasamusa, P.O. Sasamusa, P.S. Kuchaikot, District- Gopalganj.
 10. The Headmaster, New Primary School, Mahiyara Block- Kuchaikot, District- Gopalganj.

... .. Appellant/s

Versus

Saroj Kumari Wife of Sri Ratnesh Mishra Resident of Village- Guriaao
Niyamat, P.O.- Semaria, P.S.- Kateya, District- Gopalganj.

... .. Respondent/s

with
Letters Patent Appeal No. 733 of 2021
In
Civil Writ Jurisdiction Case No.7957 of 2019

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The District Magistrate-cum-Collector, Jamui, District- Jamui.
5. The District Education Officer, Jamui, District- Jamui.
6. The District Programme Officer, Establishment (Education) Jamui, District Jamui.
7. The Block Development Officer, Jhajha, District- Jamui.
8. The Block Education Officer, Block- Jhajha, District- Jamui.
9. The Panchayat Teacher Employment Unit Gram Panchayat Raj- Chhapa,



Block- Jhajha, District- Jamui, through its Secretary.

10. The Mukhiya-cum-Chairman, Panchayat Teacher Employment Unit, Gram Panchayat Raj Chhapa, Block- Jhajha, District- Jamui.
11. The Panchayat Sevak-cum-Secretary, Panchayat Teacher Employment Unit, Chhapa, Block- Jhajha, District- Jamui.

... .. Appellant/s

Versus

Ajit Kumar Son of Sri Sitaram Singh Resident of Village- Ketru Nawada, P.O. and P.S. Giddhaur, District- Jamui.

... .. Respondent/s

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with

Letters Patent Appeal No. 741 of 2021

In

Civil Writ Jurisdiction Case No.7864 of 2019

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1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary Education Department, Government of Bihar, Patna.
3. The Director Primary Education, Education Department, Government of Bihar, Patna.
4. The District Magistrate - Cum- collector Jamui, District- Jamui.
5. The District Education Officer Jamui, District- Jamui.
6. The District Programme Officer, Establishment (Education) Jamui, District- Jamui.
7. The Block Development Officer Jhajha, District- Jamui.
8. The Block Education Officer Block - Jhajha, District- Jamui.
9. The Panchayat Teacher Employment Unit Gram Panchayat Raj Chhapa, Block - Jhajha, District- Jamui, through its Secretary.
10. The Mukhiya - cum- Chairman Panchayat Teacher Employment Unit, Gram Panchayat Raj Chhapa, Block - Jhajha, District- Jamui.
11. The Panchayat Sevak- cum- Secretary Panchayat Teacher Employment Unit, Chhapa, Block - Jhajha, District- Jamui.

... .. Appellant/s

Versus

Shyam Kishore Bharti Son of Late Yogendra Prasad R/o Village - karma, P.O. Karhara, P.s. Jhajha, District- Jamui.

... .. Respondent/s

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with

Letters Patent Appeal No. 911 of 2023

In

Civil Writ Jurisdiction Case No.4455 of 2017



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1. The State of Bihar Bihar.
 2. The Director, Primary and Secondary Education, Government of Bihar, Patna.
 3. The District Magistrate, Samastipur.
 4. The Block Education Officer, Sarairanjan, District- Samastipur.
 5. The Block Education Extension Officer, Sarairanjan, District- Samastipur.

... .. Appellant/s

Versus

1. Swaraj Paswan S/o Late Jagat Paswan R/o Village- Kahajautia, P.S.- Ghataho, District- Samastipur.
2. The Accountant General, Bihar, Patna.
3. The DDO Cum Headmistress, Mahavir Lalita Middle School, Motihari town (East Champaran).
4. Rajiv Ranjan Kumar, Son of not known Clerk, DPO (Establishment) Office, East Champaran at Motihari.

... .. Respondent/s

Appearance :

(In Letters Patent Appeal No. 728 of 2021)

For the Appellant/s : Mr.Abhanjali (A.C. To G.A.12)

For the Respondent/s : Mr.

(In Letters Patent Appeal No. 733 of 2021)

For the Appellant/s : Mr.Abhanjali (A.C. To G.A.12)

For the Respondent/s : Mr.Mrityunjay Kumar

(In Letters Patent Appeal No. 741 of 2021)

For the Appellant/s : Mr.Abhanjali (A.C. To G.A.12)

For the Respondent/s : Mr.Mrityunjay Kumar

(In Letters Patent Appeal No. 911 of 2023)

For the Appellant/s : Mr.Mukund Mohan Jha (A.C. To G.P.27)

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 06-03-2025

Re.: I.A. No. 01 of 2023 (L.P.A. No. 911 of 2023)

Heard I.A. No. 01 of 2023 for condonation of delay of
about 1455 days in filing LPA No. 911 of 2023.

2. The reasons assigned for condonation of delay of



about 1455 days is narrated at paras 2 to 12 of the I.A. No. 01 of 2023 reads as under:

“2. The appellants have earlier not filed any other application for condonation of delay in filing of the letters patent appeal against the judgment and order dated 02.07.2019 passed in C.W.J.C. NO. 4455 of 2017.

3. That the abovementioned writ petition vide C.W.J.C. No. 4455 of 2017 was heard on 02.07.2019 and the said writ petition was allowed.

4. That it is submitted after receipt of the order dated 02.07.2019 passed in CWJC No. 4455/2017, which has been impugned in the connected memo of appeal, that for deciding the future course of action in the present case the issue had further again been got enquired by the district level authorities from the concerned Employment Unit in order to ascertain the actual position.

5. That on coming to know of the actual factual position from the concerned Employment Unit that the matter had been deliberated at the Directorate for deciding the future course of action.

6. That accordingly the grounds for preferring Appeal have been settled.

7. That it is submitted that the Hon'ble Court has already settled that the delay by Government institution in filing may be liberally and simplistically treated. It is stated that unlike private and personal cases the stakes are always higher in the institution hence utmost precaution is to be taken to keep each and every one united. The Hon'ble Court had also made observation that the delay in filing of appeal by statutory institution may be viewed liberally and in a justice oriented manner. It is stated that in the individual cases it is filed on the instruction of the private parties but in the institution there is hierarchy of senior officers who undertaken to decide about filing of the petition for condoning delay.

8. That the delay in filing of the present appeal was not caused by any intentional reasons.

9. That in view of the explanation given for delay in preferring the present L.P.A. it would be crystal clear that delay in filing of instant L.P.A. is neither deliberate nor intentional rather it has occurred due to official process of file movement and the circumstances of the legal process.

10. That the detailed facts and grounds for



preferred the instant memo of appeal is enumerated in the memo of appeal and hence need no repetition.

11. That the appellants have good case and is full of merit based on good grounds and if, the delay in filing of the instant memo of appeal is not condoned, the appellant will suffer irreparable loss.

12. That the sufficient shown by cause the appellants for condonation of delay with the decision of the Hon'ble Supreme Court reported in 2005 (2) PLJR 2009."

3. Cause of action accrued to the appellants in the light of Single Judge order dated 02.07.2019 passed in C.W.J.C. No. 4455 of 2017 on 01.08.2019. There is no explanation from 01.08.2019 till 14.03.2020. The appellants need not furnish explanation for the period from 15.03.2020 to 28.02.2022, in the light of the fact that Covid-19 period was invoked. Further, there is no explanation from 01.03.2022 to 15.07.2023, in view of the fact that L.P.A. has been presented on 15.07.2023 reasons quoted above would not constitute sufficient cause so as to condone the two spells of delay from 01.08.2019 to 14.03.2020 and 01.03.2022 to 15.07.2023. Therefore, appellants have not made out a case for condonation of enormous delay of about 1455 days in filing LPA. In the light of 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 reported in ***2025 SCC OnLine SC 54***. In the State of Madhya Pradesh the Hon'ble Supreme



Court proceeded to make certain serious observation against the State litigation while imposing exemplary cost.

4. In the light of these facts and circumstances, I.A. No. 01 of 2023 stands rejected. Resultantly, L.P.A. No. 911 of 2023 stands dismissed.

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

**Re.: L.P.A. No. 728 of 2021, L.P.A. No. 733 of 2021
& L.P.A. No. 741 of 2021**

6. Registry is directed to delink the remaining three L.P.A.s and list these matters tomorrow i.e. on 07.03.2025.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

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