

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.615 of 2021

1. The State of Bihar through the Commissioner and Secretary, Finance Department, Govt. of Bihar, Patna.
2. The Commissioner, Patna Division, Patna.
3. The Collector, Patna.
4. The Treasury Officer, Sachiwalaya Treasury, Sinchai Bhawan, Patna.

... .. Appellant/s

Versus

Deogati Singh Son of Late Sanjeevan Singh Resident of Village- PIT Colony,
P.S.- Kankarbagh, District- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Saroj Kumar Sharma (A.C. To A.A.G.3)
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 18-02-2025

Re:- I.A. No. 02 of 2021

The appellants have assailed the order of the learned Single Judge dated 16.08.2018 passed in C.W.J.C. No. 10256 of 2004. There is delay of about 3 years and 36 days in filing the L.P.A. No. 615 of 2021 for which I.A. No. 02 of 2021 has been filed to condone the delay. In para 2 to 6 of the Interlocutory Application it is stated as under:-

“2. That after pronouncement and receipt of the court’s order the file was moved and referred to the Law Department and now to the Advocate General, office for legal opinion. The legal opinion was recorded on 06.11.2019 by Ld. Additional Advocate



General for filing on LPA before Hon'ble High Court. The file was thereafter sent back to the General Administration Department (GAD) through Law Department, who by letter no. 15480 dated 18.11.2019 sent it to the District Magistrate, Patna for the needful action. The District Magistrate got the statement of facts prepared and sent it to the GAD. Later on by letter no. 208 dated 03.02.2020 also intimated the Department about the remittance of draft statement of facts and application for condonation of delay & stay for approval.

3. That due to outbreak of Covid-19 Pandemic since February, 2020 onwards almost all the departmental work became paralyzed. It was on 05.02.2021 that file was again proceeded and referred to the Law Department for preparation and filing of LPA. The Law Department thereafter referred the file to the office of Learned Advocate General on 11.02.2021 which was marked to the concerned Law Officer on 12.02.2021.

4. That during the course of preparation of LPA and obtaining requisite documents and copies of LC records, the 2nd wave of Covid Pandemic occurred as a result the preparation got virtually paralyzed. Large number of Advocates including the concerned advocate of this matter was afflicted by Covid. After recovery, the preparation of LPA has now been completed and is being filed before the Hon'ble Court.

5. That the delay in filing of the LPA was no intentional and the same was caused due to circumstances beyond the control of the appellant due to Corona Pandemic and cumbersome official procedures.

6. That there will be irreparable loss to the appellants if the delay caused in filing the instant application is not condoned and the appeal is not heard on merits as the appellants have taken every good grounds for allowing the present Memo of Appeal.”

2. Appellants had cause of action on 15.09.2018. There



is no explanation from 15.09.2018 to 15.03.2020 so as to condone the delay between 15.03.2020 till filing of present L.P.A. which covers Covid-19, however, there is no proper cause has been shown insofar as delay from 15.09.2018 to 15.03.2020. The aforementioned reasons are not sufficient to condone the delay in the light of decision 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 *H. Guruswamy & Ors. vs. A. Krishnalah* reported in *2025 SCC OnLine SC 54*. Accordingly, I.A. No. 02 of 2021 for condonation of delay stands dismissed.

3. Resultantly, **L.P.A. No. 615 of 2021** stands dismissed. Pending I.A.(s), if any, is disposed of.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

rakhi/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	27.02.2025
Transmission Date	

