

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.862 of 2019

In
Civil Writ Jurisdiction Case No.14272 of 2014

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1. The State of Bihar through its Principal Secretary, department of Education, Government of Bihar, New Secretariat, Vikash Bhawan, Patna.
 2. The Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Vikas Bhawan, Patna.
 3. The Director (Secondary Education), Department of Education, Bihar Secondary Education Office, Budhmarg, Patna
 4. The District Education officer, Madhepura.

... .. Appellant/s

Versus

Ramesh Kumar Yadav Son of Shree Munilal Yadav, Peon, Project Girls High School, Kumar Khond, Police Station-Kumar Khand, District-Madhepura.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ram Vinay Prasad Singh, AC to GA-12.
For the Respondent/s	:	Ms. Uma Kant Mishra, Advocate.
	:	Mr. Md. Nurul Hoda, Advocate.
	:	Mr. B.N. Pandey, Advocate.
	:	Mr. Satish Chandra Mishra, Advocate.
	:	Mr. Birendra Nath Pandey, Advocate.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

6 30-01-2025

Re:-I.A. No.02 of 2019

Heard I.A. No.02 of 2019. There is delay of about 203 days in filing L.P.A. No.862 of 2019. Sufficient cause has not been shown so as to condone the delay of about 203 days. As usual reasons assigned is file movement from one office to another office or one section to another section. In paragraph no.6 there is no date on which Law Department received the file



and so also in the office of the learned Advocate General. Yet another reason assigned is that State has preferred L.P.A. No.345 of 2019 against the order dated 14.09.2018 passed in C.W.J.C. No.17284 of 2011, therefore, there is a delay. Merely filing and pendency of L.P.A. No.345 of 2019 does not enure to the benefit to the appellants-State to delay the process of filing the above L.P.A. State being biggest litigant, they are well aware of the fact that L.P.A. was required to be filed within 30 days. Having regard to the big State one can understand few days delay insofar as processing the file. However, even the processing of file has not been clearly depicted, under what circumstances the file was pending consideration before a particular department for more than three months like in the Law Department. Recently 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** elaborately considered in respect of filing belated litigation on behalf of the State as well as individual. In fact in the later decision delay is required to be explained even from the date of judgment which is impugned. There may be a reason that why the litigant has to explain from



the date of judgment which is impugned, for the reasons that State or appellant who had participated in the writ proceedings, he/she is well aware of the disposal of the litigation, therefore, what are the steps taken by State Government or Advocate on record in writ jurisdiction is required to be apprised insofar as condonation of delay is concerned.

2. In the light of these facts and circumstances, the appellants have not made out a case so as to condone the delay of about 203 days in filing L.P.A. No.862 of 2019. Hence I.A. No.02 of 2019 stands dismissed.

Re:-L.P.A. No.862 of 2019

3. Resultantly, L.P.A. No.862 of 2019 stands dismissed.

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

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

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