

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.727 of 2021

In
Civil Writ Jurisdiction Case No.22767 of 2019

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1. The State of Bihar.
 2. The Additional Chief Secretary-cum- Principal Secretary, Education Department, Govt. of Bihar, Patna.
 3. The Principal Secretary, Finance Department, Government of Bihar, Patna.
 4. The Director, Primary Education, Bihar, Patna.
 5. The District Education Officer, Siwan.
 6. The District Programme Officer (Establishment), Siwan.
 7. The Block Education Officer, Maharajganj, District - Siwan.
 8. The Block Education Officer, Siwan Sadar, District - Siwan.
 9. The District Accounts Officer, Siwan.
 10. The District Treasury Officer, Siwan.

... .. Appellant/s

Versus

1. Sangita Devi Wife of Late Bhola Singh, Resident of Village - Sihauta Bangra, Police Station- Maharajganj, District - Siwan. presently residing at House No. 52, P.C.C. Road, Near Baba More, Bangra, Siwan. At present posted and working as an Assistant Teacher in Govt. Middle School Sihauta Bangra, Anchal - Maharajganj, District - Siwan.
2. Subodh Tiwary Son of Late Nagendra Tiwary, Resident of Village Narayanpur, Police Station- Nautan, District - Siwan, at present posted and working as an Assistant Teacher in Govt. Middle School Pachlakhi, Anchal Siwan Sadar, District - Siwan.
3. Dilip Kumar Pandey Son of Late Kameshwar Pandey, Resident of Village - Gorauli, Police Station- Daraunda, District - Siwan, at present posted and working as an Assistant Teacher in Govt. Upgraded Middle School Kheduchapra, Anchal - Maharajganj, District - Siwan.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ram Vinay Prasad Singh, AC to GA-12.
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)

6 03-03-2025 Appellants have assailed the order of learned Single Judge dated 24.01.2020 passed in C.W.J.C. No.22767 of 2019. Matter was heard on 20.01.2025 and we have passed the following order:-

“Re:-I.A. No. 02 of 2021

Appellants have assailed the order of learned Single Judge dated 24.01.2020 passed in C.W.J.C. No. 22767 of 2021. L.P.A. has been presented on 20.12.2021. There is delay of about 303 days in filing L.P.A. 727 of 2021, accordingly, I.A. No. 02 of 2021 has filed for condonation of delay of about 303 days. From the date of learned Single Judge order dated 24.01.2020 read with the presentation of L.P.A. on 20.12.2021, it is crystal clear that it would fall under the pandemic period from 15.03.2020 to 28.02.2022; of course, there are few days of delay and it is condonable.

2. Accordingly, delay of about 303 days in filing L.P.A. 727 of 2021 stands condoned. I.A. 02 of 2021 is allowed.

Re:-Letters Patent Appeal No.727 of 2021

3. The State-appellants have assailed the order of learned Single Judge dated 24.01.2020 passed in C.W.J.C. No. 22767 of 2019 only on the sole ground that matter is covered by earlier Co-ordinate Bench decision passed in C.W.J.C. No. 7322 of 2017 decided on 11.04.2018 and C.W.J.C. No. 13162 of 2019 decided on 03.07.2019. The appellants have not apprised this Court whether concerned party in the aforementioned decision have preferred L.P.A.? And in L.P.A, whether orders of learned Single Judge dated 11.04.2018 and 03.07.2019 were reversed or not?

4. In the alternative, if the appellants



intend to distinguish the aforementioned learned Single Judge orders to the extent that the learned Single Judge on 24.01.2020 in C.W.J.C. No. 22767 of 2019 has committed error. In this regard, State counsel- Mr. Ram Vinay Prasad Singh who is representing State-appellants is not in a position to apprise this Court. In fact, he has not perused the file insofar as production of earlier learned Single Judge orders dated 11.04.2018 and 03.07.2019.

5. At this stage, he should have only verified as to whether L.P.A. has been preferred against those judgments or not before appearing in the present matter. The present appeal is pending consideration for the last about five years which indicates lackness in handling the State L.P.A.'s matter. Therefore, appellants are hereby directed to pay cost of Rs.1000/-. 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 before the next date of hearing.

6. Re-list this matter on 27.02.2025.”

2. Today learned counsel for the appellants furnished copy of the order dated 08.07.2022 passed in L.P.A. No.502 of 2021 (The State of Bihar and Ors. vs. Abdus Samad) in which State-appellants have withdrawn the said L.P.A. Similarly M.J.C. No.1704 of 2023 arising out of L.P.A. No.502 of 2021 (The State of Bihar and Ors. vs. Abdus Samad) was dismissed on 06.10.2023.

3. In this backdrop, present L.P.A. No.727 of 2021 stands dismissed.



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

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

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