

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL REVIEW No.289 of 2023**

**In**  
**Letters Patent Appeal No.1355 of 2017**

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1. Shivdatt Kumar Pal, Son of Shri Shashilendra Kumar Pal, Resident of Village and P.O.- Nanad, P.S.- Silao, District- Nalanda.
  2. Ajay Kumar, Son of Suresh Prasad, Resident of Village and P.O. and P.S.- Makhdumpur, District- Jehanabad, Bihar.

... .. Petitioners

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The District Magistrate, Patna.
4. The Municipal Commissioner-cum-Secretary, Nagar Madhyamik Sikshak Niyojan Samiti, Patna.
5. The District Programme Officer, Establishment, Patna.
6. The District Education Officer, Patna.
7. The Secretary, Patna Municipal Corporation, Patna.

... .. Opposite Parties

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**Appearance :**

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| For the Petitioners | : | Mr. Nityanand Mishra, Advocate     |
| For the State       | : | Mr. Sarvesh Kumar Singh, AAG-13    |
| For the PMC         | : | Mr. Sanjay Prakash Verma, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**and**  
**HONOURABLE MR. JUSTICE SOURENDRA PANDEY**  
**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)**

3      16-09-2025

**I.A. No. 1 of 2024**

This interlocutory application has been filed seeking condonation of delay of 2 years 11 months and 5 days in filing of the civil review application.

2. Learned counsel for the petitioners submits that the judgment/order of which review has been sought for is dated



11.10.2018 passed in LPA No. 1355 of 2017. The said judgment/order of the Hon'ble Division Bench was subject matter of challenge in Special Leave Petition bearing SLP (Civil) Diary No. 16479/2021. The SLP (Civil) Diary No. 16479/2021 was dismissed on 31.01.2022 on the ground of delay by the Hon'ble Supreme Court of India. It appears on perusal of the order of the Hon'ble Supreme Court as contained in Annexure '2' of the review application that the Special Leave Petition was preferred in the year 2021 for setting aside the judgment and order dated 11.10.2018 passed in LPA No. 1355 of 2017.

3. It is stated that after dismissal of the Special Leave Petition when the petitioners came to know about the order of dismissal, they contacted the Advocate clerk who thereafter applied for getting the certified copy of the dismissal order dated 31.01.2022 and then the said order was prepared and issued on 16.05.2023. Thereafter, the petitioners discussed the matter with their well-wishers who advised them to approach this Court. Thereafter, the present review application has been preferred on or about 09.10.2023.

4. Learned counsel for the petitioners submits that the petitioners have shown sufficient and cogent reasons for



condonation of delay. It is submitted that there is no deliberate laches on the part of the petitioners in filing of the civil review application.

**5.** On the other hand, learned counsel for the State and learned counsel for the Patna Municipal Corporation have opposed the interlocutory application. It is submitted that at first instance, the petitioners filed the Special Leave Petition in the Hon'ble Supreme Court after about three years from the date of passing of the judgment/order in LPA No. 1355 of 2017. Thereafter, when the SLP was dismissed on 31.01.2022, the petitioners remained sitting idle and no step was taken to obtain the certified copy of the dismissal order. It is pointed out that in paragraph '4' of the application, the petitioners have not taken any plea that they were not aware of the order of dismissal passed by the Hon'ble Supreme Court, therefore, they cannot deny that they were aware of the order of dismissal immediately after it was passed by the Hon'ble Supreme Court.

**6.** Further, it is submitted that the petitioners have not disclosed that when they applied for the certified copy of the order of dismissal. It is lastly submitted that according to the petitioners, the certified copy was issued on 16.05.2023. Still, it is submitted that the review application has been filed after



almost five months.

7. Learned counsel submits that the law of limitation is a statute of repose and confidence and it is based on a sound public policy. A litigation must come to an end and by condoning the kind of delay which has occurred in this case, the public policy that a litigation cannot go on *ad infinitum* would suffer.

8. We have considered the rival submissions at the Bar. The facts as revealed in the condonation application are crystal clear. Firstly, the petitioners preferred Special Leave Petition in the Hon'ble Supreme Court after about three years, the SLP was dismissed on the ground of delay on 31.01.2022, thereafter they took almost one and half year in obtaining the certified copy of the order of dismissal and then another about six months in filing of the review application. The date on which they applied for certified copy has not been disclosed in the application, we are of the opinion that no reason much less any cogent reason which may be sufficient for condonation of delay has been provided in the application.

9. We agree with the submissions of learned counsel for the respondents that the law of limitation is a statute of repose and confidence. A litigation cannot go *ad infinitum* and



the principles governing the law of limitation are based on sound public policy. In this regard, we rely upon the judgment of the Hon'ble Supreme Court in the case of **Binod Bihari Singh Vs. Union of India** reported in **(1993) 1 SCC 572**.

10. In result, we find no reason to condone the delay.

11. I.A. No. 1 of 2024 is dismissed.

12. As a result of dismissal of the interlocutory application for condonation of delay, the civil review application cannot proceed and it is dismissed accordingly.

**(Rajeev Ranjan Prasad, J)**

**(Sourendra Pandey, J)**

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