

IN THE HIGH COURT AT CALCUTTA**CONSTITUTIONAL WRIT /CIVIL APPELLATE JURISDICTION****APPELLATE SIDE**

P r e s e n t :

The Hon'ble Justice Tapabrata Chakraborty

And

The Hon'ble Justice Partha Sarathi Chatterjee

MAT 2246 of 2024

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IA No.: CAN 1 of 2025 [Sec. 5]

Smt. Sultana Jinat Sabnam

– Versus –

The Registrar, West Bengal Joint Entrance

Examination Board & Others

For the Appellant : Mr. Sarbesh Pal

Ms. Gita Maity

For the WBJEEB : Mr. Amitava Chaudhuri,

Mr. N. Roy

Heard on : 10.12.2025

Judgment on : 10.12.2025

Partha Sarathi Chatterjee, J. :-**IA No.: CAN 1 of 2025 [Sec. 5]**

1. This application has been filed at the instance of the writ petitioner/appellant/applicant (hereinafter referred to as 'the applicant'), praying for condonation of a delay of 644 days, as indicated in the report of the Additional Stamp Reporter dated 13th December, 2024, in preferring this intra-court appeal being MAT 2246 of 2024.
2. The appeal has been preferred to question the legality of the order dated 6th February, 2023, passed in WPA 10823 of 2022, by which the writ petition was dismissed.
3. The averments made in the application explaining the delay in preferring the appeal are as follows:

'2. That after the order was passed, the appellant had applied for the certified copy of the order and he had obtained copy of the order and he had obtained the copy after a long time and after that the appellant had suffered from several ailments like serious infection in eye due to which he had to spend huge amount of money. Besides that he is under treatment for several other various ailments like piles problem, lungs problem and throat problem.

3. In addition to the above, the Learned Advocate of the Appellant was suffering from severe breathing trouble and his wife was infected with severe and

serious problems i.e. her lungs were damaged, the documents of which are annexed herewith.'

4. Mr. Pal, learned advocate appearing for the applicant, submits that the applicant had been suffering from several ailments and, due to such ailments, she was unable to present the memo of appeal within the prescribed period of limitation. He submits that the explanation offered constitutes sufficient cause. He further submits that the applicant has a fair chance of succeeding in the appeal, and that such a meritorious matter should not be defeated on the technical ground of delay.
5. Mr. Chaudhuri, learned advocate appearing for the West Bengal Joint Entrance Examination Board, submits that the delay has not been properly explained and that the cause shown cannot be treated as sufficient. He further submits that the applicant has been negligent throughout in pursuing the remedy. He argues that, in view of such negligent conduct, it would not be appropriate to entertain the appeal upon condonation of delay, particularly when the dispute relates to a Joint Entrance Examination held way back in 2016.
6. Heard the learned advocates appearing for the respective parties and perused the averments made in the application explaining the delay.
7. Notably, the law of limitation is grounded in considerations of public policy. It is embodied in the maxim "*interest reipublicae ut sit finis litium*", which means that it is in the interest of society that litigation should come to an end. Every legal remedy must have a definite lifespan. Accordingly, while deciding an application for condonation of delay, the Court must harmonize the

principles underlying Sections 3 and 5 of the Limitation Act. Section 3 is imperative in its operation, whereas Section 5 vests a discretionary power in the Court to excuse delay. Such discretion must be exercised reasonably and judiciously, and not in an arbitrary or fanciful manner.

8. In a decision reported at (1987) 2 SCC 107(*Collector, Land Acquisition, Anantnag & Another v. Mst. Katiji & Others*), it was ruled that that the expression 'sufficient cause' employed in Section 5 of the Limitation Act should receive a liberal construction. However, it is also well settled principle that although the term "sufficient cause" should receive liberal construction, it must squarely fall within the concept of reasonable time and proper conduct of the party concerned. The purpose of adopting liberal construction normally is to introduce the concept of "reasonableness" as it is understood in its general sense.
9. The law of limitation is a substantive legal principle that directly affects the rights and obligations of the parties. The justice must be done to both parties equally. Then only the ends of justice can be achieved. Where a party has been grossly negligent in pursuing its rights or remedies, it would be unjust to expose the other party to unnecessary litigation.
10. It is well settled that the length of the delay is not what ultimately matters. A Court shall consider whether the explanation for the delay is adequate and acceptable. Even a brief delay may be inexcusable if the reasons given are unconvincing, while a long delay may still be condoned if supported by a credible and satisfactory explanation. In assessing this, the Court must look at the party's conduct, behaviour, and overall attitude, particularly in relation to any inaction or negligence. The underlying principle is that justice

must be balanced for both sides, and this cannot be ignored under the guise of adopting a liberal approach. Where the explanation is fabricated or the grounds advanced are frivolous or unacceptable, the Court should ensure that the opposing party is not unfairly drawn into needless litigation.

11. In the present case, in both the paragraphs set out hereinabove, only a bare statement has been made that the applicant suffered from several ailments, including a serious infection. However, no specific period has been mentioned regarding the date from which the applicant fell ill or the date on which she recovered sufficiently to present the memo of appeal. Such stray statement cannot be held to constitute a sufficient cause to condone the delay.
12. Considering this aspect, we are of the view that the delay in preferring the appeal has not been sufficiently explained.
13. Accordingly, the application for condonation of delay, being IA No. CAN 1 of 2025, is dismissed. In view of the dismissal of the said application for condonation of delay, the appeal, being MAT 2246 of 2024, is also dismissed as not admitted.

(Partha Sarathi Chatterjee, J.)

(Tapabrata Chakraborty, J.)