

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3645 of 2024

In
Letters Patent Appeal No.446 of 2017

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1. The State of Bihar
 2. The Principal Secretary, General Administration Department, Government of Patna.
 3. The Deputy Secretary, General Administration Department, Government of Bihar, Patna.

... .. Petitioner/s

Versus

1. Dinesh Chandra Duwedi, Son of Late Sarvdeo Duwedi, Resident of Mohalla- A/2018, P.C. Colony, P.S.- Kankarbagh, District- Patna.
2. The Accountant General, Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S.Raja Ahmad, AAG-5
Mr. Vishwambhar Prasad, AC to AAG-5
Mr. Kamil Akhtar, AC to AAG-5

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

4 02-02-2026 Learned counsel for the petitioners seeks modification of the order dated 26.09.2018 passed in LPA No. 446 of 2017, which was directed against the order dated 02.09.2016 passed in CWJC No. 7705 of 2015.

2. It is not in dispute that the petitioners, aggrieved by the order dated 26.09.2018, had approached the Hon'ble Supreme Court by filing SLP (Civil) Diary No(s). 27038/2019, which was dismissed on 26.08.2019. The order passed by the



Hon'ble Supreme Court reads as under:

*“Upon hearing the counsel the court made the following O R D E R
Delay condoned.
The special leave petition is dismissed.
However, the question of law is kept open.
The special leave petition is dismissed.”*

3. The present modification application seeking modification of the order dated 26.09.2018 has been filed after an inordinate delay of more than five years. No cogent, convincing, or justifiable explanation has been furnished for such prolonged delay. At this juncture, it is pertinent to take note of the decision rendered by the Hon'ble Supreme Court while deciding the case of ***Basawaraj v. Land Acquisition Officer***, reported in ***(2013) 14 SCC 81***, wherein it was observed as follows:

“15. The law on the issue can be summarised to the effect that where a case has been presented in the court beyond limitation, the applicant has to explain the court as to what was the “sufficient cause” which means an adequate and enough reason which prevented him to approach the court within limitation. In case a party is found to be negligent, or for want of bona fide on his part in the facts and circumstances of the case, or found to have not acted diligently or remained inactive, there cannot be a justified ground to condone the delay. No court could be justified in condoning such an inordinate delay by imposing any condition whatsoever. The



application is to be decided only within the parameters laid down by this Court in regard to the condonation of delay. In case there was no sufficient cause to prevent a litigant to approach the court on time condoning the delay without any justification, putting any condition whatsoever, amounts to passing an order in violation of the statutory provisions and it tantamounts to showing utter disregard to the legislature.

4. The petitioners, having already availed the remedy before the Hon'ble Supreme Court and having suffered dismissal of the SLP, cannot be permitted to reagitate the matter by seeking modification after such an unexplained lapse of time.

5. In view of the aforesaid, this Court does not find any sufficient ground to interfere with or modify the order dated 26.09.2018.

6. Accordingly, the present modification application stands dismissed.

7. Pending application(s), if any, shall also stand disposed of.

(Sudhir Singh, J)

(Rajesh Kumar Verma, J)

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