IN THE HIGH COURT OF JHARKHAND AT RANCHI

I.A. No. 10342 of 2024

In / And

L.P.A. No. 383 of 2024

1. State of Jharkhand through the Secretary, Department of Higher and Technical Education and Skill Development, Government of Jharkhand at Nepal House, Doranda, P.O. & P.S. Doranda, District Ranchi
2. The Director, Department of Higher and Technical Education and Skill Development, Government of Jharkhand at Nepal House, Doranda, P.O. & P.S. Doranda, District Ranchi

... Respondents/Appellants

Versus

1. Banshi Oraon, aged about 64 years, son of Mangra Oraon, resident of village Maltoli, P.O. Purio, P.S. Mandar, District Ranchi, Jharkhand
2. Surendra Singh, aged about 66 years, son of Ram Naresh Singh, resident of Sosai, P.O. Sosai, P.S. Mandar, District Ranchi, Jharkhand

... … Writ Petitioners/Respondents

3. The Ranchi University, through its Registrar, Ranchi, P.O. GPO, P.S. Kotwali, District Ranchi

... Performa Respondent/Respondent

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Appellants: Mr Aditya Kumar, A.C. to Sr. S.C.-I
For Resp No.3: Mr Manish Kumar, Advocate
Mr Anoop Kumar Mehta, Advocate

06/Dated: 09.09.2026

1. Heard Mr Aditya Kumar for the applicants/appellants-State and Mr Manish Kumar, A.C., to Mr Anoop Kumar Mehta, who appears for the 3rd respondent.

2. I.A. No. 10342 of 2024 seeks condonation of delay of 266 days in filing the accompanying appeal against the learned single Judge's impugned order dated 29.08.2023 in W.P.(S) No. 2894 of 2020.

3. On perusing the averments in the IA, we are satisfied that no sufficient cause whatsoever has been shown to condone the delay.

4. Paragraph 4 of the IA states that after the impugned order was made on 29.08.2023, it was placed before the Deputy Director of the Department on 18.12.2023. It is not as if the impugned order was made without hearing the present appellants or their counsel. Therefore, an explanation was necessary for the three-and-a-half-month delay in placing the matter before the Deputy Director. However, no explanation is provided.

5. Paragraph 5 of the IA states that the Deputy Director placed the file before the Under Secretary on 03.01.2024. Paragraph 6 states that the Under Secretary marked the file for the Retainer of the Department for drafting the grounds of appeal, and a draft was prepared on 21.01.2024. Paragraph 7 states that the grounds of appeal were verified and approved by the Department, and the file was placed before the learned Advocate General on 06.02.2024.

6. Paragraph 8, without giving any dates, states that the LPA was drafted, vetted and finalised by the conducting lawyer and sent to the department for approval. Paragraph 9 states that it was approved by the department. However, no date is given for when such approval was granted. Then, some advantage is sought to be taken of the summer holidays.

7. Thus, based upon routine movement of files from table to table and from officer to officer, this delay of 266 days is sought to be explained. Deliberately, no specific dates have been provided to

explain the crucial delays. The application is vague and premised on unverifiable facts. In any event, there are a number of decisions of the Hon'ble Supreme Court and this Court which have time and again held that condonation of delay cannot be sought based upon the reasons as are set out in the IA.

8. In ***Postmaster General and Others Vs. In Living Media India Limited and Another, reported in (2012)3 SCC 563***, the Hon'ble Supreme Court has held that delay cannot be condoned where the Government Department or the persons concerned have not evinced diligence in prosecuting the matter and taking appropriate steps. The Court has held that in the absence of a plausible and acceptable explanation, the delay cannot be condoned mechanically merely because the Government or a wing of the Government seeks condonation. The claim of impersonal machinery and inherited bureaucratic methodology of making several noting cannot be invariably accepted in view of modern technologies being used and available. It was reiterated that the law of limitation undoubtedly binds everybody, including the Government.

9. In ***Union of India &Anr. Vs. Jahangir Byramji Jeejeebhoy (D), through his LR, reported in 2024 SCC Online SC 489***, the Hon'ble Supreme Court held that even the length of the delay is a relevant factor that the Court must consider when dealing with applications for condonation of delay. The Court noted that, from the tenor or approach of the appellants, it appeared that they sought to fix their own period of limitation for instituting proceedings for which the

law has prescribed a period of limitation. Once it is held that a party has lost its right to have the matter considered on the merits because of its own inaction for a long time, it cannot be presumed that the delay was not deliberate, and in such circumstances the party cannot be heard to plead that substantial justice deserves to be preferred against technical considerations.

10. The Court also held that, when considering a plea for condonation of delay, the court must not start with the merits of the main matter. The court owes a duty to first ascertain the bona fides of the explanation offered by the parties seeking condonation. It is only if the cause assigned by the litigant is sufficient and the opposition of the other side is equally balanced that the court may bring the merits of the matter into aid for the purpose of condoning the delay. Further, the question of limitation is not merely a technical consideration. The rules of limitation are based on the principles of sound public policy and equity.

11. The Hon'ble Court held that the 'Sword of Damocles' cannot be kept hanging over the head of the respondent for an indefinite period of time to be determined at the whims and fancies of the appellants. The Court noted that in a plethora of decisions, it has been said that the delay should not be excused as a matter of generosity. Rendering substantial justice is not to cause prejudice to the opposite party. Where the appellants failed to demonstrate that they were reasonably diligent in prosecuting the matter, the delay cannot be condoned. If it is found that the delay in filing the appeal has arisen due to the

party's own negligence and casual attitude, the delay cannot be condoned on the grounds of doing substantial justice.

12. In ***Shivamma (Dead) by Lrs. Vs. Karnataka Housing Board & Ors., reported in 2025 SCC OnLine SC*** 1969, the Hon'ble Supreme Court conveyed an emphatic message to all the High Courts that delay should not be condoned on frivolous and superficial grounds, until a proper case of sufficient cause is made out, wherein the State machinery is able to establish that it acted with bona fides and remained vigilant all throughout. Procedure is a handmaid to justice, as is famously said, but courts, and more particularly the constitutional courts, ought not to obviate the procedure for a litigating State agency, which also equally suffers the bars of limitation from pursuing litigations due to its own lackadaisical attitude.

13. The Hon'ble Supreme Court held that the High Courts ought not give a legitimising effect to such a callous attitude of the State authorities or their instrumentalities and should remain extra cautious if the party seeking condonation of delay is a State authority. They should not become surrogates for State laxity and lethargy. The constitutional courts ought to be cognizant of the apathy and pangs of a private litigant. Litigants cannot be placed in situations of perpetual litigation, wherein the fruits of their decrees or favourable orders are frustrated at a later stage.

14. The Hon'ble Supreme Court has further observed that limitation periods are prescribed to maintain a sweeping scope for the lis to

attain finality. More than the importance of judicial time, what worries is the plight of a litigant with limited means, who is to contest against an enormous State, and its elaborate and never exhausting paraphernalia. Such litigations deserve to be disposed of at the very threshold, because, say, if a party litigating against the State, for whatever reason, is unable to contest the condonation of delay in appeal, unlike the present case, it reopens the *lis* for another round of litigation, and leaves such litigant listless yet again. As courts of conscience, Courts are obligated to ensure that a litigant is not sent from pillar to post to seek justice. No litigant should be permitted to be so lethargic and apathetic, much less be permitted by the courts to misuse the process of law.

15. Applying to the above principles to the gross facts of the present case, we are satisfied that no sufficient cause has been shown to condone the delay. Accordingly, I.A. No. 10342 of 2024 is dismissed. With the dismissal of this IA, the accompanying appeal will not survive and is dismissed. However, there shall be no order for costs.

16. IAs, if any pending in this appeal, will not survive and are disposed of.

(M. S. Sonak, C.J.)

(Rajesh Shankar, J.)

September 09, 2026
N.A.F.R.
Manoj/Sharda/Cp.2
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