**IN THE HIGH COURT OF JHARKHAND AT RANCHI**
**L.P.A. No.549 of 2025**
**With**
**I.A. No.8021 of 2025**

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1. State of Jharkhand
2. Secretary, School Education and Literacy Department, Government of Jharkhand, Project Building, Dhurwa, Ranchi.
3. Director, School Education and Literacy Department, Government of Jharkhand, Project Building, Dhurwa, Ranchi.
4. Deputy Commissioner, Ranchi.
5. District Superintendent of Education, Ranchi.
6. Drawing and Disbursing Officer, Government Middle School, Childag, Angara Block, Angara, Ranchi.

..... Appellants.

-Versus-

Pitambar Mahto, son of Late Bandhna Mahto, resident of village Viratnagar, Lowadih, P.O. and P.S. Namkum, District-Ranchi.

..... Respondents.

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

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For the Appellants : Mr. Jayant Franklin Toppo, Advocate
For the Respondent: Mr. Anup Kumar, Advocate
**[Through V.C.]**
Mr. Afaque Ahmed, Advocate

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**Order No.03** **Date: 21.09.2026**

1. Heard Mr Jayant Franklin Toppo, learned G.A.-V for the appellants, and Mr Anup Kumar, who appears online for the respondent.

2. I.A. No.8021 of 2025 seeks condonation of delay of 249 days in preferring the accompanying appeal against the learned Single Judge's order dated 19th September, 2024 allowing W.P.(S) No.1658 of 2017.

3. On perusing the averments in the I.A., specifically the averments in paragraph nos.4 to 10, we find that no sufficient cause has been shown for condoning the delay.

4. Paragraphs nos.4 to 10 vaguely referred to the movements of file from table to table and from officer to officer. No particulars are provided and, in any event, based upon such movement of files, there is no question of condoning the unexplained delay.

5. The I.A. states that the appeal has merits and good grounds and therefore, the delay should be condoned.

6. Apart from the fact that a good case on merits is not a good ground for condoning the delay, we find that in this case, the respondent's seniority, which was finalised almost 20 years earlier, was sought to be disturbed on the date of his retirement.

7. The record shows that, hardly a day before retirement, a show cause notice was issued to the respondent, and on the next date, his seniority position, which was finalised almost 20 years ago, was altered to his detriment.

8. The learned single Judge has therefore held that such alteration was in gross violation of the principles of natural justice and fair play, and we see no reason for taking any different view.

9. Learned counsel for the respondent has pointed out that in identical cases this Court interfered with the appellants' orders, and the appellants thereafter complied with those orders. Specific reference is made to the order in ***Bina Devi and Ors. Vs the State of Jharkhand and Ors., W.P.(S) No.2494 of 2014,*** decided on 4th September, 2019, and it is contended that the appellants duly complied with that order.

10. Thus, it is incorrect to say that the Appellants have a very good case on the merits, and therefore we must construe the delay

liberally. The Hon'ble Supreme Court, in the cases of ***State of Odisha and Others vs. Managing Committee of Namatara Girls High School, 2026 SCC OnLine SC 191; Postmaster General and Others vs. In Living Media India Limited and Another, reported in (2012)3 SCC 563; Union of India & Anr. vs. Jahangir Byramji Jeejeebhoy (D), through his LR, reported in 2024 SCC Online SC 489;*** and ***Shivamma (Dead) by Lrs. vs. Karnataka Housing Board & Ors., reported in 2025 SCC OnLine SC 1969,*** held that an unduly liberal approach is not warranted and that mere bureaucratic delay or administrative lethargy cannot aid the Government in matters of condonation of delay. In the absence of a cogent explanation, as opposed to a mere unverifiable and self-serving excuse, the delay cannot be condoned.

11. Therefore, by following the principles laid down by the Hon'ble Supreme Court, we are satisfied that no case is made out for condonation of delay.

12. Accordingly, I.A. No.8021 of 2025 is hereby dismissed. As a consequence, the accompanying appeal will not survive and is disposed of without any order for costs. Pending I.A., if any, is also dismissed.

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

**(Rajesh Shankar, J.)**

***21st September, 2026***
***Sanjay/Rohit***
***Uploaded on 24.09.2026***