

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.429 of 2022**  
**In**  
**Civil Writ Jurisdiction Case No.23454 of 2018**

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1. The State of Bihar Bihar.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Public Education, Education Department, Govt. of Bihar, Patna.
4. The District Magistrate, Aurangabad.
5. The District Education Officer, Aurangabad.
6. The District Programme Officer (Sakshrata), Aurangabad.
7. The Block Education Officer, Aurangabad, District-Aurangabad.
8. The Block Education Officer, Obara, District-Aurangabad.
9. The Block Education Officer, Kutumba Rafiganj, District-Aurangabad.

... .. Appellant/s

Versus

1. Akhtar Hussain S/o Ajimuddin R/o Vill-Nehuti, P.S.-Aurangabad Muffasil, District-Aurangabad.
2. Gulam Jilani, S/o Md. Yousuf, R/o Vill-Nehuti, P.S.-Muffasil, District-Aurangabad.
3. Ashiya Sulatana, S/o Md. Jamaluddin, R/o Vill-Belari, P.S.-Obara, District-Aurangabad.
4. Khurshida Khatoon, S/o Md. Sahjad, R/o Vill-Newara, P.S.-Amba, District-Aurangabad.
5. Kahkashan Jabi S/o Md. Rashid Khan, R/o Mohalla-Old Quazi Mahalla, P.S.-Aurangabad (T), District-Aurangabad.
6. Rafat Jahan, S/o Shahjahan, R/o Vill-Newadih, P.S.-Aurangabad (T), District-Aurangabad.
7. Md. Toufique S/o Md. Hakim, R/o Vill-Hetampur, P.S.-Aurangabad (Muffasil), District-Aurangabad.
8. Ahmad Ali, S/o Md. Miyajan, R/o Vill-Manjohuli, P.S.-Rafiganj, District-Aurangabad.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Mukund Mohan Jha (A.C. To G.P.27)  
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**and**  
**HONOURABLE MR. JUSTICE S. B. PD. SINGH**



ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

7 16-04-2025

**Re:I.A. No. 02 of 2024**

Heard I.A. No. 02 of 2024, there is a delay of about 1 year and 313 days in filing LPA No. 429 of 2022. The appellants have assailed the order of learned Single Judge dated 05.09.2019 passed in CWJC No. 23454 of 2018. Cause of action accrued to the appellant on 04.10.2019 whereas LPA has been presented on 23.08.2022. Delay is required to be explained by the appellants for the first spell of five months from 04.10.2019 to 20.03.2020 and further from 01.03.2022 to 23.08.2022 the date on which the LPA was presented. Overall period of 11 months was required to be explained.

2. Perusal of Para 7, 10, 11, 12 & 13 sufficient cause has not been shown so as to condone the intervening period of 11 months of delay while excluding remaining period which would be COVID-19 period. There is no explanation from 24.03.2020 to 17.09.2022. This is evident from Para 12 & 13 of the Interlocutory Application for condonation of delay. In Para 15 number of days of delay is blank. On these counts, the appellants have not made out a case for condonation of delay of about 1 year and 313 days. It is a State LPA, the Hon'ble Supreme Court time and again held that belated litigation on



behalf of the State is deprecated. In the **State of Madhya Pradesh Vs. Ramkumar Choudhary** decided in [SLP (C) **Diary No.48636 of 2024**] on November 29, 2024 read with **H. Guruswamy & Ors. Vs. A. Krishnaiah**, reported in **2025 SCC OnLine SC 54** Hon'ble Supreme Court has deprecated in filing belated litigation in particularly State litigation, in fact cost of Rs. 1,000,00/- (Rupees One Lakh) has been imposed in the **State of Madhya Pradesh Vs. Ramkumar Choudhary**. Taking note of the principal laid down in the aforementioned decisions, the appellant have not made out a case so as to condone the delay of about 1 year and 313 days excluding COVID-19 period of about 11 months.

3. Accordingly, I.A. No. 02 of 2024 stands dismissed.

4. Resultantly, LPA No. 429 of 2022 stands dismissed.

5. Pending Interlocutory Application(s), if any, stands disposed of.

**(P. B. Bajanthri, J)**

**( S. B. Pd. Singh, J)**

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