

IN THE HIGH COURT OF JHARKHAND AT RANCHI
I.A. No. 6290 of 2025
In / And
L.P.A. No. 266 of 2025

- 1) The State of Jharkhand
- 2) Deputy Commissioner, Deoghar, PO + PS + Dist- Deoghar.
- 3) Child Development Project Officer, Sarwan, Deoghar, PO + PS- Sarwan, Dist. Deoghar.
- 4) Krishna Mohan Yadav, Head Master In Charge, Rajkiyakrit Madhaya Vidyalaya, Sahara, Jarmundi, Dumka.

... Respondents/Appellants

Versus

Sakila Banu, W/o- Safique Ansari, aged about- 45 years, R/o- Village- Chandanpura P.O.- Dumariya Panchayat, Binjha + P.S.-Sonaraithari , District- Deoghar.

... Petitioner/Respondent

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

For the Appellants: Mr Manish Kumar, Sr. S.C.-II
For the Respondent: Mr S.K. Deo, Advocate

Reserved on: 08.07.2026 Pronounced on: 13/07/2026
Per M. S. Sonak, C.J.

- 1. Heard learned counsel for the parties.
- 2. This I.A. seeks condonation of the delay of 559 days in filing the appeal against the judgment dated 09.08.2023 made by the learned Single Judge disposing of W.P. (S) No. 6866 of 2019.
- 3. From a perusal of the averments in the I.A., it appears that the appellant has failed to disclose any sufficient cause to explain the inordinate delay of 559 days. The application, in substance, merely charts the routine itinerary of files. It chronicles the acquisition of

legal opinions, the collection of relevant records, and internal departmental procedures. It terminates in a bare assertion that the grounds of appeal were subsequently drafted and the present appeal preferred. Also, and importantly, the appellant has made no endeavour to account for the specific time intervals consumed at each stage of these departmental processes.

4. To be precise, it is apparent from paragraph 3 of the I.A. that the impugned order was passed on 09.08.2023. Yet, the first concrete step adverted to in the application is dated 18.12.2023. This is when the opinion was sought from the D.D.C. for filing the LPA. A gap of nearly three months thus ensued. For this hiatus, the I.A. offers no explanation whatsoever. The application is wholly silent as to what transpired during this initial period. Furthermore, no material has been placed on record to suggest that any effective step was taken in the interregnum.
5. Thereafter, paragraph 6 of the I.A. states that following a discussion with the District Social Welfare Officer and the G.P., a decision to prefer the LPA was taken on 19.02.2024. Yet, the applicant offers no explanation for the subsequent two-month delay in acting upon this resolve. The record does not disclose any follow-up action taken during this period to move the matter forward. Instead, paragraph 7 of the I.A. merely reveals that a fresh letter was issued by the office of the Advocate General much later,

on 26.04.2024. This subsequent communication cannot gloss over the complete inactivity of the preceding two months.

6. Moving forward, paragraph 8 of the I.A. further states that the case file was eventually allotted to Sr. S.C. II on 03.07.2024. This assignment came after a substantial lapse of over two months from the Advocate General's letter dated 26.04.2024. Inexplicably, the I.A. offers no justification for this prolonged interregnum. The application remains completely silent on why the allotment required more than two months. This omission is compelling and cannot be overlooked.
7. Lastly, paragraph 8 of the I.A. discloses that the grounds of appeal stood prepared and transmitted for approval as early as 24.07.2024. Despite the same, the instant LPA came to be filed only on 19.03.2025. The applicant attributes this subsequent impasse to the transfer of the competent authority from Deoghar. Yet, the application is conspicuously silent as to when the resultant vacancy was filled up. It is equally barren of any disclosure touching the steps taken to secure the affidavit from the newly posted officer. Consequently, a delay of nearly eight months took place between the date on which the memo of appeal was prepared and the actual filing of the appeal. This long period of inactivity remains completely unexplained. It cannot be brushed aside as a mere procedural formality.

8. Moreover, the respondent, in his counter-affidavit to the I.A., specifically highlights that the appellant authorities resolved to file the L.P.A. as early as on 19.02.2024. Despite the same, the instant L.P.A. came to be preferred only on 19.03.2025, marking an unexplained hiatus of over one year. Relying upon the judgment of the **Division Bench of this Court in L.P.A. No. 325 of 2021**, the learned counsel for the respondent contends that absent a demonstration of sufficient cause, the application is bound to be rejected.
9. The arguments of the learned counsel for the respondent possess substantial merit and cannot be glossed over. The learned Advocate for the respondent is correct in his submission that the subsequent hiatus has, for the most part, gone completely unaccounted for by the appellants.
10. Accordingly, what emerges from the above is that the delay is unsupported by any coherent or continuous explanatory chronology. The application merely catalogues routine departmental steps without addressing, even cursorily, why the matter remained dormant for such extended periods at the most material stages. An applicant seeking the extraordinary relief of condonation of delay must do more than narrate what eventually happened; it must also account for what did not happen.
11. *The law is well settled that casual averments and formulaic bureaucratic explanations do not constitute sufficient cause for*

condoning delay of this magnitude. The mere recitation that files moved through proper channels, that legal opinion was sought and obtained, that service records were called for, and that the appeal was eventually prepared, *cannot, without more, justify the exercise of discretion in favour of the appellants.*

12. In this regard, reliance can be placed on the dictum of the Hon'ble SC in **Postmaster General and Others v. Living Media India Limited and Another**, reported in **(2012) 3 SCC 563**. In the said case, the Hon'ble Court held *that Government departments staffed with legally conversant personnel cannot claim any special or extended period of limitation. Mere recitation of dates of file movement, without explaining the reason for each interval, does not constitute sufficient cause. The Court categorically rejected the excuse of impersonal machinery and bureaucratic methodology, particularly in the age of modern technology, and held that delay cannot be condoned mechanically solely because the applicant is the Government or a wing thereof.*
13. Moreover, in the recent past, the Hon'ble SC in the case of **Union of India & Anr. vs. Jahangir Byramji Jeejeebhoy (D) through his LR**, reported in **2024 SCC OnLine SC 489**, held that the *status of a litigant, whether private or State, is immaterial when condoning gross delay. Prolonged inaction cannot be presumed non-deliberate, and in such circumstances, a plea of substantial justice cannot override the bar of limitation. The Hon'ble Court*

further held that before adverting to the merits, the court must first assess the bona fides of the explanation offered; merits may be taken into aid only where the explanation and the opposition are evenly balanced. Reiterating that limitation is grounded in public policy and equity, the Hon'ble Court held that delay cannot be excused as a matter of generosity.

14. The Hon'ble Supreme Court has, time and again, held that the rules of limitation are based on the principles of sound public policy and equity. The length of the delay is a relevant consideration in the condonation of delay in filing an appeal. 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 may not be condoned on the grounds of doing substantial justice.
15. The Hon'ble Supreme Court has also held that it is trite law that a government department cannot claim a separate period of limitation. The law of limitation undoubtedly binds everyone, including the Government. The claim for condonation of delay on account of impersonal machinery and the inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies available and in use. If it is found from the record of a particular case that the department(s) or the officials concerned were not diligent in prosecuting the matter in the Court by taking appropriate steps, the application for condonation of delay is liable to be rejected.

16. In *Shivamma (Dead) by Lrs. Vs. Karnataka Housing Board & Ors.*, 2025 SCC OnLine SC 1969, the Hon'ble Supreme Court has once again made it abundantly clear that *“administrative lethargy and laxity” can never stand as a sufficient ground for condonation of delay. The Hon'ble Supreme Court in para 261 observed “we want to convey an emphatic message to all the High Courts that delays shall 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, who also equally suffer the bars of limitation from pursuing litigations due to its own lackadaisical attitude.”*
17. The Hon'ble Supreme Court further observed that the High Courts ought not give a legitimising effect to such 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 later stages.

18. The Hon'ble Supreme Court observed: *"We are at pains to reiterate this everlasting trend, and put all the High Courts to notice, not to reopen matters with inordinate delay, until sufficient cause exists, as by doing so the courts only add insult to the injury, more particularly in appeals under Section 100 of the CPC, wherein its jurisdiction is already limited to questions of law"*.
19. 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-ending paraphernalia.
20. The Hon'ble Supreme Court has further observed that such litigations deserve to be disposed of at the very threshold, because, 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 a 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, let alone be permitted by the courts to misuse the process of law.
21. Applying the above principles to the gross facts and circumstances of the present case, we are satisfied that no sufficient cause has

been shown, and consequently, we dismiss this I.A., seeking condonation of the delay of 559 days in filing the accompanying appeal.

22. As a consequence, the accompanying appeal and the I.A. therein do not survive and are disposed of. No costs.

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

(Rajesh Shankar, J.)

July 13, 2026

N.A.F.R.

Manoj/Cp.2

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