

IN THE HIGH COURT OF JHARKHAND AT RANCHI
L.P.A. No. 51 of 2024
(with I.A. No.4268 of 2024)

1. Mithilesh Kumar, aged about 55 years, Son of Late Deonath Prasad,
2. Prahlad Tiwari, aged about 61 years, Son of Late Yash Tiwari,
Both residents of Warder Line, RINPAS, P.O. & P.S.- Kanke, Dist. – Ranchi

... Petitioners/Appellants

Versus

1. The State of Jharkhand
2. The Director, Ranchi,
3. The Ranchi Institute of Neuro Psychology Allied Sciences (RINPAS),
Office at Kanke, P.O. & P.S.- Kanke, Dist. – Ranchi.

... Respondents/Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Appellants: Mr. Mithilesh Kumar (In Person)
For the Respondents: Mr. Ashok Kumar Yadav, Sr. S.C.-I

Reserved on: 11.03.2025

Pronounced on: 08/04/2025

Per M.S. Ramachandra Rao, C.J.

I.A. No. 4268 of 2024

1. This application is filed under Section 5 of the Limitation Act, 1963, to condone the delay of 467 days in filing this appeal challenging the judgment dt. 14.09.2022 passed by the learned Single Judge in W.P. (S) No. 3259 of 2020.
2. In the application filed seeking condonation of delay, it is contended that the appellant No.2, after superannuation, was residing in his native village situated at Rohtas and he decided to meet his advocate in the month of January 2024 and then, decided to challenge the order of the learned Single Judge.

3. It is stated that the Letters Patent Appeal was drafted and filed on 23.01.2024 which resulted in the delay.
4. It is stated that both appellants are Class-IV employees and they arranged money for filing the appeal and the delay in filing the appeal was not intentional but due to the circumstances beyond their control.
5. Later, a supplementary affidavit was filed again reiterating what was stated in the original application.
6. Admittedly, the applicants had applied for issuance of certified copy of the judgment on 08.12.2023, though the judgment had been pronounced on 14.09.2022, more than a year later.
7. No explanation has been furnished by the appellants as to why they could not contact their counsel and find out what happened to the writ petition till January 2024.
8. It is clear that the applicants had not been diligent in taking steps to file the Letters Patent Appeal within the period of 30 days. We hold that they have not shown sufficient cause for condoning the inordinate delay of 467 days in filing this appeal.
9. Therefore, I.A. No. 4268 of 2024 is dismissed. Consequently, the Letters Patent Appeal is also dismissed.

(M.S. Ramachandra Rao, C.J.)

(Deepak Roshan, J.)

Manoj/-