

IN THE HIGH COURT OF JHARKHAND AT RANCHI

I.A. No. 10313 of 2025

In / And

L.P.A. No. 589 of 2025

1. The State of Jharkhand
 2. The Deputy Commissioner, Giridih, P.O, P.S. & District Giridih
 3. The District Superintendent Education Officer, Giridih, P.O, P.S. & District Giridih
 4. The District Treasury Officer, Giridih, P.O, P.S. & District Giridih
 5. The Principal, Middle School, Mangrodih, P.O.,P.S.& District Giridih
- ... Appellants

Versus

1. Bharat Prasad Gupta, son of Tej Pratap Gupta, resident of Village Mangrodih behind Animal Hospital, P.O., P.S. & District Giridih, Jharkhand
 2. The Accountant General, Jharkhand, P.O. & P.S. Doranda, District Ranchi
- ... Respondents

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

For the Appellants: Mr Ashutosh Anand, A.A.G-III
For the Respondent No. 1: Mr Tarun Kumar No. 1, Advocate
Mr Mac Lincon Emmanuel Kujur, Advocate
For the Respondent No. 2: Ms Richa Sanchita, Advocate
Ms Malsi Pathak, Advocate

Order No. 06 / Dated: 23.03.2026

1. Heard learned counsel for the parties.
2. This I.A. seeks condonation of delay of 1286 days (three and half years) in instituting this appeal.
3. The reasons for the delay, rather than making out any case for sufficient cause, project the administrative laxity involved in the process. The application has been filed casually giving the routine reasons, despite several decisions of the Hon'ble Supreme Court holding that the delay cannot be condoned based upon such reasons.
4. In the entire application, there is a reference to the movements of a file from one table to another, and in paragraph 13, there is a casual

statement that '*in the meantime, the State Assembly Election was notified and the officials of the Department were also involved in the said process*'.

5. Based upon the said reasons and most casual approach, the inordinate delay of 1286 days in instituting this appeal cannot be condoned.

6. In the case of ***Postmaster General and Others Vs. Living Media India Limited and Another***, reported in ***(2012)3 SCC 563***, the Hon'ble Supreme Court has held as under:-

“25. We have already extracted the reasons as mentioned in the “better affidavit” sworn by Mr. Aparajeet Pattanayak, SSRM, Air Mail Sorting Division, New Delhi. It is relevant to note that in the said affidavit, the Department has itself mentioned and is aware of the date of the judgment of the Division Bench of the High Court in *Office of the Chief Postmaster v. Living Media India Ltd.* as 11-9-2009. Even according to the deponent, their counsel had applied for the certified copy of the said judgment only on 8-1-2010 and the same was received by the Department on the very same day. There is no explanation for not applying for the certified copy of the impugned judgment on 11-9- 2009 or at least within a reasonable time. The fact remains that the certified copy was applied for only on 8-1-2010 i.e. after a period of nearly four months.

26. In spite of affording another opportunity to file better affidavit by placing adequate material, neither the Department nor the person-in-charge has filed any explanation for not applying the certified copy within the prescribed period. The other dates mentioned in the affidavit which we have already extracted, clearly show that there was delay at every stage and except mentioning the dates of receipt of the file and the decision taken, there is no explanation as to why such delay had occasioned. Though it was stated by the Department that the delay was due to unavoidable circumstances and genuine difficulties, the fact

remains that from day one the Department or the person/persons concerned have not evinced diligence in prosecuting the matter to this Court by taking appropriate steps.

27. It is not in dispute that the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitation for taking up the matter by way of filing a special leave petition in this Court. They cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings. In the absence of plausible and acceptable explanation, we are posing a question why the delay is to be condoned mechanically merely because the Government or a wing of the Government is a party before us.

28. Though we are conscious of the fact that in a matter of condonation of delay when there was no gross negligence or deliberate inaction or lack of bona fides, a liberal concession has to be adopted to advance substantial justice, we are of the view that in the facts and circumstances, the Department cannot take advantage of various earlier decisions. The claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody, including the Government.”

7. In the case of ***Union of India & Anr. Vs. Jahangir Byramji Jeejeebhoy (D) through his LR***, reported in ***2024 SCC OnLine SC 489***, the Hon’ble Supreme Court has held as under:-

“25. It hardly matters whether a litigant is a private party or a State or Union of India when it comes to condoning the gross delay of more than 12 years. If the litigant chooses to approach the court long after the lapse of the time prescribed under the relevant provisions of the law, then he cannot turn around and say that no prejudice would be caused to either side by the delay being condoned. This litigation between the parties started sometime in 1981. We are in 2024. Almost 43 years have elapsed. However, till date the respondent has not been able to reap the fruits of his decree. It would be a mockery of justice if we condone the delay

of 12 years and 158 days and once again ask the respondent to undergo the rigmarole of the legal proceedings.

26. The length of the delay is a relevant matter which the court must take into consideration while considering whether the delay should be condoned or not. From the tenor of the approach of the appellants, it appears that they want to fix their own period of limitation for instituting the proceedings for which law has prescribed a period of limitation. Once it is held that a party has lost his right to have the matter considered on merits because of his own inaction for a long, it cannot be presumed to be non-deliberate delay and in such circumstances of the case, he cannot be heard to plead that the substantial justice deserves to be preferred as against the technical considerations. While considering the 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 party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced that the court may bring into aid the merits of the matter for the purpose of condoning the delay.

27. We are of the view that the question of limitation is not merely a technical consideration. The rules of limitation are based on the principles of sound public policy and principles of equity. We should not keep the ‘Sword of Damocles’ hanging over the head of the respondent for indefinite period of time to be determined at the whims and fancies of the appellants.

35. In a plethora of decisions of this Court, it has been said that delay should not be excused as a matter of generosity. Rendering substantial justice is not to cause prejudice to the opposite party. The appellants have failed to prove that they were reasonably diligent in prosecuting the matter and this vital test for condoning the delay is not satisfied in this case.”

8. The Hon’ble Supreme Court has held that the rules of limitation are based on the principles of sound public policy and the principles of equity. The length of delay is a relevant consideration for condonation of delay in filing an appeal. If it is found that the delay in filing the appeal has arisen

due to the own negligence and casual attitude of the party claiming condonation of delay, the same may not be condoned on the ground of doing substantial justice.

9. The Hon'ble Supreme Court has also held that it is a 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 being available and used. 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.

10. For all the above reasons, we decline to condone the delay and dismiss this I.A.

11. As a consequence, the accompanying appeal will not survive and is disposed of.

12. Pending interim applications, if any, also stand disposed of.

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

(Rajesh Shankar, J.)

March 23, 2026

N.A.F.R.

Ranjeet/R.Kr./Cp.2

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