

IN THE HIGH COURT OF JHARKHAND AT RANCHI
L.P.A. No. 741 of 2025

1. The Director, Sarva Shiksha Abhiyan, Project Bhawan, Dhurwa, Ranchi having its office at Dhurwa, P.O & P.S. Dhurwa, Ranchi, Jharkhand
2. The District Superintendent of Education-cum-District Programme Officer, Palamau, having its office at Palamau, P.O & P.S. Palamau, Ranchi, Jharkhand Respondents

Versus

1. Patel Singh, aged about Years, S/o Ram Lakhan Singh, R/o Village Dundu, P.O. Sildilia Kala & P.S. Tarhasi, District Palamau, Jharkhand
2. The Deputy Commissioner-cum-President Sarva Shiksha Abhiyan, Palamau having its office at Palamau, P.O & P.S. Palamau, Ranchi, Jharkhand
3. The Block Education Officer-cum-Block Programme Officer, Manatu, P.O + P.S. Manatu, Palamau, Jharkhand
4. The President, Gram Shiksha Samiti, Upgraded Primary School, Dundu, P.O + P.S. Dundu, Tarhasi, Palamau, Jharkhand
5. The Secretary, Gram Shiksha Samiti, Upgraded Primary School, Dundu, P.O + P.S. Dundu, Palamau, Jharkhand
... .. Respondents

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

For the Appellants: Mr Krishna Murari, Advocate
 Mr Raj Vardhan, Advocate
For the Respondent No. 1: Mr Jai Shankar Tripathi, Advocate

03/Dated: 16.06.2026

I.A. No. 10765 of 2025

1. Heard learned counsel for the parties.
2. This I.A. seeks condonation of the delay of 552 days in filing an appeal against the learned single Judge's order dated 12.04.2023 disposing of W.P (S) No. 5635 of 2014.
3. In paragraph-6 of this interim application, seemingly innocuous statement has been made that the '*certified copy for the order dated*

12.04.2023 passed by the Hon'ble Single Judge / Writ Court was supplied on 05.09.2024, since applied on 15.08.2024 at the instance of Jharkhand Education Project Council, which came to know about this order off late, as inspite of being party to the writ petition, copy / notice was not served and thus not granted opportunity of hearing although it is the necessary party being regulator of SSA Programme'.

4. The above statement gives the impression that, although the impugned order was passed on 12.04.2023, its certified copy was supplied only on 05.09.2024, based on an application dated 15.08.2024. The averment also suggests that the present applicants/appellants were not granted any opportunity of hearing in the matter.
5. On perusal of the order dated 12.04.2023, it is evident that Mr Manish Mishra, G.P-V, appeared on behalf of all the respondents, including the 7th respondent. That apart, it is not as if the 7th respondent is some private party. Therefore, the vague statement in paragraph-6 that the order dated 12.04.2023 was only known to the petitioner after its copy was supplied on 05.09.2024 cannot be accepted.
6. In fact, the applicants should have been candid with the Court and stated the true and correct facts. Based upon the pleadings, therefore, no case is made out to condone the delay of 552 days in filing the accompanying appeal.

7. The other reasons relate to routine administrative procedures, which are both unverifiable and inspire no confidence. However, the main excuse cited is that referred to in paragraph 6 of the I.A., which we have quoted above. Based on the same, we are satisfied that no case for condonation of delay is made out.
8. Based upon the above pleadings, we are afraid that no case whatsoever has been made out for condoning the inordinate delay of 552 days. This is a case of utter lethargy, tardiness and indolence to borrow the phrases used by the Hon'ble Supreme Court in the case of *State of Odisha and Others vs. Managing Committee of Namatara Girls High School, 2026 SCC OnLine SC 191*.
9. In the above case, the Hon'ble Supreme Court has referred to the distinction between 'explanation' and an 'excuse' proffered as a ground for condonation of delay. The Hon'ble Supreme Court has also referred to its earlier decisions, in which it is held that there is a point beyond which even the Courts cannot help a litigant, even if the litigant is the Government, which is itself shackled by bureaucratic indifference. Since the law of limitation binds everybody, beyond a particular point no indulgence can be shown, even to the Government, which functions through an impersonal machinery.
10. In *Postmaster General and Others Vs. In Living Media India Limited and Another, reported in (2012)3 SCC 563*, the Hon'ble Supreme Court has held that delay cannot be condoned where the

Government Department or the persons concerned have not evinced diligence in prosecuting the matter and taking appropriate steps. The Court has held that in the absence of a plausible and acceptable explanation, the delay cannot be condoned mechanically merely because the Government or a wing of the Government seeks condonation. The claim of impersonal machinery and inherited bureaucratic methodology of making several noting cannot be invariably accepted in view of modern technologies being used and available. It was reiterated that the law of limitation undoubtedly binds everybody, including the Government.

11. In *Union of India & Anr. Vs. Jahangir Byramji Jeejeebhoy (D)*, *through his LR, reported in 2024 SCC Online SC 489*, the Hon'ble Supreme Court held that even the length of the delay is a relevant factor that the Court must consider when dealing with applications for condonation of delay. The Court noted that, from the tenor or approach of the appellants, it appeared that they sought to fix their own period of limitation for instituting proceedings for which the law has prescribed a period of limitation. Once it is held that a party has lost its right to have the matter considered on the merits because of its own inaction for a long time, it cannot be presumed that the delay was not deliberate, and in such circumstances the party cannot be heard to plead that substantial justice deserves to be preferred against technical considerations.

12. The Court also held that, when considering a 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 parties seeking condonation. It is only if the cause assigned by the litigant is sufficient and the opposition of the other side is equally balanced that the court may bring the merits of the matter into aid for the purpose of condoning the delay. Further, the question of limitation is not merely a technical consideration. The rules of limitation are based on the principles of sound public policy and equity.
13. The Hon'ble Court held that the 'Sword of Damocles' cannot be kept hanging over the head of the respondent for an indefinite period of time to be determined at the whims and fancies of the appellants. The Court noted that in a plethora of decisions, it has been said that the delay should not be excused as a matter of generosity. Rendering substantial justice is not to cause prejudice to the opposite party. Where the appellants failed to demonstrate that they were reasonably diligent in prosecuting the matter, the delay cannot be condoned. 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 cannot be condoned on the grounds of doing substantial justice.
14. In *Shivamma (Dead) by Lrs. Vs. Karnataka Housing Board & Ors., reported in 2025 SCC OnLine SC 1969*, the Hon'ble Supreme Court conveyed an emphatic message to all the High Courts that

delay should 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, which also equally suffers the bars of limitation from pursuing litigations due to its own lackadaisical attitude.

15. The Hon'ble Supreme Court held that the High Courts ought not give a legitimising effect to such a 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 a later stage.

16. 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-exhausting paraphernalia. Such litigations deserve to be disposed of

at the very threshold, because, say, 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 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, much less be permitted by the courts to misuse the process of law.

17. Applying the above principles to the gross facts of the present case, we dismiss this I.A. seeking condonation of the 552-day delay in instituting the accompanying appeal.

18. Consequently, the accompanying appeal and other I.As, if any, will not survive and are disposed of.

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

(Rajesh Shankar, J.)

June 16, 2026

N.A.F.R.

Ranjeet/R.Kr./Cp.2

Uploaded on 20.06.2026