

IN THE HIGH COURT OF JHARKHAND AT RANCHI

I.A. No. 6643 of 2015

In

C.M.P. No. 206 of 2015

Bimal Kishore Jha, S/o Shri Sahdeo Jha, Resident of Rukmini Bhawan, Mohalla-Dangalpara, P.O. and PS. Dangalpara, Dist. Dumka ... Petitioner

-Versus-

1. The State of Jharkhand through the Commissioner-cum-Secretary, Human Resources Development Department, Government of Jharkhand, Project Building, Dhurwa, Ranchi
2. The Director, Primary Education, Human Resources Development Department, Government of Jharkhand, Project Building, Dhurwa, Ranchi
3. The District Superintendent of Education, Dumka ... Respondents

CORAM: HON'BLE MR. JUSTICE D. N. PATEL
HON'BLE MR. JUSTICE RATNAKER BHENGRA

For the Petitioner : Mr. Jay Prakash Jha, Sr. Advocate
Mr. Ranjan Kumar Singh, Advocate
Mr. Aishwarya Prakash, Advocate
For the Respondent-State : Mr. Arbind Kumar, J.C. to G.P-II

04/Dated: 28th March, 2017

Oral Order

Per D.N. Patel, J.:

I.A. No. 6643 of 2015

1. This interlocutory application has been preferred under Section 5 of the Limitation Act for condonation of delay of 1949 days in preferring this Civil Miscellaneous Petition. The Civil Miscellaneous Petition has been preferred for restoration of L.P.A. No. 739 of 1998(P), which was dismissed on 18th September, 2008 for want of appearance of the Advocate.
2. Looking to the endorsement made by the Registry, there is in fact delay of 2440 days in preferring this Civil Miscellaneous Petition.
3. Having heard learned counsel for both the sides and looking to the reasons stated in this interlocutory application especially in paragraph nos. 4 and 5, there are reasons for condonation of delay.
4. For the ready reference, paragraph nos. 4 and 5 of the interlocutory application read as under:

“4. That, actually the Petitioner has got no knowledge, regarding the transfer of case from Patna High Court to Jharkhand High Court though in the Hon'ble Patna High Court the case has been filed by Shri Subodh Kumar Jha, Advocate and is practicing at Patna High Court and the Petitioner is unable to appoint a Counsel at Jharkhand High Court and that is why his case has became unrepresented as he is unable to get any information from any corner and ultimately vide Order dated 18.09.2008, his case has been dismissed for default contained in Annexure-1.

5. That, although the Petitioner has got bonafide case having similar circumstances numbers of persons have got birth in service but the Respondents in arbitrary attitude refused to appoint the Petitioner though his position was very high in the panel.”

5. Looking to the aforesaid reasons, it appears that there are no reasonable reasons for condonation of delay of 2440 days in preferring the Civil Miscellaneous Petition. There is no explanation of the aforesaid huge delay. The reasons given in paragraph nos. 4 and 5 are not reasonable reasons so that the aforesaid delay can be condoned by this Court. Paragraph no. 5 is, in fact, not a reasoning for condonation of delay. It is a tall claim of the applicant that they have a better case, otherwise, reasons are given only in paragraph no. 4. The reasons given in paragraph no. 4 are not sufficient, at all for condonation of delay. Hence, this interlocutory application is, hereby, dismissed.

C.M.P No. 206 of 2015

As the interlocutory application for condonation of delay is dismissed, this Civil Miscellaneous Petition is not tenable at law and, hence, the same is, hereby, disposed of.

(D.N. Patel, J.)

(Ratnaker Bhengra, J.)

Ajay/ N.A.F.R.