

(2025) 03 OHC CK 1349
In the Orissa High Court
Case No : RVWPET No.11 Of 2020

State of Orissa & Another

APPELLANT

Vs

Pandit Biswambar Dash & Another Vs

RESPONDENT

Date of Decision : 04-03-2025

Acts Referred:

Code of Civil Procedure, 1908 — Section 151, Order 47 Rule 1
Orissa Education Act, 1969 — Section 24B, 24C

Citation : (2025) 03 OHC CK 1349

Hon'ble Judges : S.S. Mishra, J

Bench : Single Bench

Advocate : S.N. Biswal, Sangram Jena

Final Decision : Dismissed

Judgement

S.S. Mishra, J

1. In the present Review Petition, the petitioners-State of Orissa, Department of Higher Education have assailed the order dated 12.12.2019 passed by this Court in Misc. Case No.665 of 2015 in F.A.O. No.696 of 2014, whereby the application for condonation of delay in filing the First Appeal has been turned down, as a consequence the appeal has also been dismissed.

2. Heard Mr. S.N. Biswal, learned Additional Standing Counsel for the petitioners and Mr. Sangram Jena, learned Counsel for the Opposite Parties.

3. The petitioners have filed the Review Petition primarily on the ground that there was error apparent on the face of record. The learned State Education Tribunal vide judgment dated 30.11.2013 allowed the application of the opposite parties made under Section 24-B of the Orissa Education Act, 1969 as amended (up to date). The limitation period prescribed for filing the appeal against the said judgment dated 30.11.2013 passed by the learned State Education Tribunal under Section 24-C of the Orissa Education Act, 1969 is 60 days. Learned

counsel for the petitioners submits that in fact the FAO suffered the delay of 314 days. However, the Stamp Reporter has erroneously reported that there is delay of five years and 143 days. Learned Single Judge by taking the delay to be five years and 143 days, rejected the FAO. Hence, learned counsel for the petitioners submits that the learned Single Judge swayed away by the report of the Stamp Reporter which resulted in dismissal of the FAO. He further submits that since the delay was only 314 days and the learned Single Judge has considered that it was filed after five years and 143 days late, the apparent error has caused. Hence, interference of this Court in the review jurisdiction is called for. I have taken into consideration this ground of the petitioners very specifically and tried to venture into the explanation offered by the petitioners for explaining the delay of 314 days. Even the delay of 314 days could not be explained by the petitioners by showing sufficient cause. Therefore, the fact remains that the appeal was dismissed on the ground of delay, can't be found fault with.

4. The learned Single Judge by relying upon the judgment of the Hon'ble Supreme Court in the case of Office of the Chief Post Master & Others vs. Living Media India Ltd. & another, reported in (2012) 3 SCC 563, has arrived at a conclusion that the cause offered by the petitioners to explain the delay is not sufficient cause.

5. This Court is of the view that in light of the principles enunciated in the judgment of Office of the Chief Post Master & Others vs. Living Media India Ltd. & another (supra), where it was emphasized that mere procedural red-tape and vague explanations do not constitute valid grounds for condoning inordinate delays, the bench reiterate that government bodies and their instrumentalities are under an elevated duty to discharge their responsibilities with diligence and efficiency. The law is impartial and must extend its protections equally to all, without being manipulated for the convenience of specific entities.

6. It is a well-established principle in law that a litigant who fails to act promptly and vigilantly in the protection of their rights is not entitled to the indulgence of the Court. The maxim "Vigilantibus Non Dormientibus Jura Subveniunt", which translates to "The law assists only those who are vigilant, and not those who sleep over their rights," is clearly applicable in this case. The petitioners, having failed to exercise the necessary diligence in pursuing their legal remedies within the prescribed time, sought for condonation of delay in filing the FAO based on the mere explanation that time was consumed in departmental consultations. Even though there was an error in the computation of the delay, the observations made by the learned Single Judge in the FAO stand unscathed and are justified in the circumstances.

7. Accordingly, it is not open for the petitioners to urge the aforesaid points in a review jurisdiction. Hence, the Review Petition is dismissed.

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