

The Commissioner Of Public Instruction vs Shamshuddin on 22 January, 2021

Bench: Sanjay Kishan Kaul, Dinesh Maheshwari, Hrishikesh Roy

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ITEM NO.6

Court 9 (Video Conferencing)

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S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N D I A

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 11989/2020

(Arising out of impugned final judgment and order dated 23-08-2016
in WP No. 200703/2016 passed by the High Court Of Karnataka At
Kalaburagi)

THE COMMISSIONER OF PUBLIC INSTRUCTION & ORS.

Pet

VERSUS

SHAMSHUDDIN

Res

(IA No.85104/2020-CONDONATION OF DELAY IN
No.85106/2020-EXEMPTION FROM FILING PAPER BOOKS)

FIL

Date :22-01-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s)

Mr. V. N. Raghupathy, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The Special Leave Petition has been filed with delay of 1288 days with an explanation given in the application for condonation of delay as under:

“4. It is submitted that, the impugned order was passed on 23.08.2016 and the office of the Advocate General immediately after disposal of the same applied for certified copy of the order and after receipt of the Reason: same, placed before the concerned Law Officer for opinion. In turn, the Law Officer, has forwarded his opinion along

with certified copy of the order long back. The Government of Karnataka has issued the Government Order dated 27.09.2019, authorizing the Government Advocate, office of the Advocate General, High Court Building, Kalaburagi. After receipt of the bare Government order, the concerned caseworker placed before the Government Advocate for drafting special leave petition on 10.10.2019. The Law Officer on 19.11.2019, requesting the office of the Deputy Director of Public Instructions, Raichur to furnish the copy of the writ petition along with annexures filed therein. However, after receipt of the writ petition along with relevant papers, placed before the Government Advocate for the purpose of drafting this special leave petition. It is submitted that the Government Advocate was busy in attending to Court work, could not prepare the petition immediately.” The aforesaid itself shows the casual manner in which the petitioner has approached this Court without any cogent or plausible ground for condonation of delay. In fact, other than the lethargy and incompetence of the petitioner, there is nothing which has been put on record. We have repeatedly discouraged State Governments and public authorities in adopting an approach that they can walk in to the Supreme Court as and when they please ignoring the period of limitation prescribed by the Statutes, as if the Limitation statute does not apply to them. In this behalf, suffice to refer to our judgments in the State of Madhya Pradesh & Ors. v. Bheru Lal [SLP [C] Diary No.9217/2020 decided on 15.10.2020] and The State of Odisha & Ors. v. Sunanda Mahakuda [SLP [C] Diary No.22605/2020 decided on 11.01.2021]. The leeway which was given to the Government/public authorities on account of innate inefficiencies was the result of certain orders of this Court which came at a time when technology had not advanced and thus, greater indulgence was shown. This position is no more prevalent and the current legal position has been elucidated by the judgment of this Court in Office of the Chief Post Master General & Ors. v. Living Media India Ltd. & Anr. – (2012) 3 SCC 563. Despite this, there seems to be a little change in the approach of the Government and public authorities.

We have also categorized such kind of cases as “certificate cases” filed with the only object to obtain a quietus from the Supreme Court on the ground that nothing could be done because the highest Court has dismissed the appeal. The objective is to complete a mere formality and save the skin of the officers who may be in default in following the due process or may have done it deliberately. We have deprecated such practice and process and we do so again. We refuse to grant such certificates and if the Government/public authorities suffer losses, it is time when concerned officers responsible for the same, bear the consequences. The irony, emphasized by us repeatedly, is that no action is ever taken against the officers and if the Court pushes it, some mild warning is all that happens.

Looking to the period of delay and the casual manner in which the application has been worded, we consider appropriate to impose costs on the petitioner(s) of Rs.25,000/- for wastage of judicial time which has its own value and the same be deposited with the Supreme Court Employees Welfare Fund within four weeks. The amount be recovered from the officers responsible for the delay in filing the Special Leave Petition and a certificate of recovery of the said amount be also filed in this Court within the same period of time.

The Special Leave Petition is dismissed as time barred in terms aforesaid.

Pending application stands disposed of.

A copy of this order be placed before the Chief Secretary for the State of Karnataka cautioning that any non-adherence with the aforesaid order within timeline would result in appropriate proceedings being initiated against the Chief Secretary himself.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(ANITA RANI AHUJA)
ASSISTANT REGISTRAR