THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE SRI JUSTICE P.SAM KOSHY

AND

THE HONOURABLE SRI JUSTICE NARSING RAO NANDIKONDA

Interlocutory Application No.1 of 2026
in / and
Writ Appeal No.1077 of 2026
CNR.No.HBHC010654662026

Date :: 05.10.2026

Between:

Dr. B.R. Ambedkar Open University
and 2 others

…Appellants

AND

Sri A. Narayana Rao, S/o. A.Suraiah

…Respondent

COMMON JUDGMENT: *(per the Hon'ble Sri Justice P. Sam Koshy)*

The instant Writ Appeal has been preferred by the appellants under Rule-15 of Letters Patent Act challenging the order passed by a learned Single Bench in **Writ Petition No.51 of 2018, decided on 21.08.2024**. Along with the said appeal, the appellants also filed **I.A.No.1 of 2026 under Section 5 of the Limitation Act, 1963**

praying the Court to condone delay of **711 days** which has occurred in preferring the appeal.

2. Heard Mr. D. Ramakrishna, learned counsel for the appellants; and Mr. Sai Prasen Gundavaram, learned counsel appearing on behalf of the respondent.

3. The respondent filed the aforesaid Writ Petition before the learned Single Bench to call for the records pertaining to the selection of respondent No.3 (appellant No.3 herein) Vide letter No.856/Estt/A.II2017-18, dated 22.12.2017, to the post of Deputy Executive Engineer and to declare the said impugned action of respondent Nos.1 and 2 (appellant Nos.1 and 2 herein) in selecting respondent No.3 (appellant No.3 herein) vide the impugned above letter as illegal, arbitrary and unjust and to set aside the same; and consequently to direct the appellants to select the respondent herein as Deputy Executive Engineer.

4. *Vide* order dated 21.08.2024, the learned Single Judge disposed of the above Writ Petition by directing the respondent herein to make a representation to the concerned authorities within a period of four (04) weeks from the date of receipt of a copy of the order; and the

concerned authorities, on receipt of such representation, shall consider the case of respondent for the post of Deputy Executive Engineer and shall pass appropriate orders thereon within a period of four (04) weeks.

5. Before entering into the merits of the case it would be necessary to first decide Interlocutory Application No.1 of 2026 in Writ Appeal No.1077 of 2026 and thereafter, if necessary, proceed to decide the main appeal.

6. The reasons mentioned for the delay in the accompanying affidavit, according to the learned counsel for the appellants, are :-

a) After receipt of order dated 21.08.2024 in Writ Petition No.51 of 2018, the matter had to be processed at multiple administrative levels within the University including scrutiny by the Finance Branch and Legal Section, as the order involved financial implications relating to retiral benefits;

b) The decision to prefer an appeal required approval from the competent authority, which involved internal correspondence, examination of records and obtaining legal opinion;

c) The file had to be circulated between different departments and authorities, which consumed considerable time due to official procedures;

d) Thereafter, the relevant records were collected and forwarded to the counsel for preparation of the Writ Appeal; and

e) Due to the above administrative processes and intervening official delays, the appeal could not be filed within the prescribed period and the same came to be filed on 18.09.2026.

7. The aforesaid contentions put forth by the learned counsel for the appellants though may seem innocent and give a glimpse into the bureaucratic chain of command, however they do not answer the root cause of the delay occurred in filing the instant appeal. Further, there was a significant and inordinate delay of 711 days in filing the instant Writ Appeal with no cogent reason forthcoming which would fall within the ambit of sufficient cause under Section 5 of the Limitation Act.

8. Furthermore, the grounds mentioned above do not convince this Court that the inordinate delay which occurred was due to procedural and bureaucratic processes by an organ of the State, and is therefore condonable under the given circumstances. It is also

noteworthy to mention that appellants have thought of filing the Writ Appeal only when they came to know about the respondent preferring a Contempt Case for non-compliance of the orders passed by the learned Single Bench.

9. The Hon'ble Supreme Court in the case of **Shivamma vs. Karnataka Housing Board**[1] held that there can be no room for largesse for State lethargy and leisure under Section 5 of the Limitation Act, 1963. The relevant paragraphs of the said judgment for ready reference are reproduced hereunder:

> *"**171.** The next submission that was advanced on behalf of the respondents herein is that, in matters pertaining to condonation of delay, a certain degree of leeway ought to be accorded to the Government and Public Authorities owing to the innate complexities in the way the State apparatus functions. The argument is that due to the inherent bureaucracy and involvement of various departments of different hierarchy which are endemic to the functioning of the State and its instrumentalities, unavoidable delays tend to crop up even without any deliberate intention, and thus, the courts ought to be pragmatic and liberal where the State or any of its instrumentalities is seeking condonation of delay in the filing of the appeal or application, as the case may be. In this regard, reliance was placed on the decision of this Court in G. Ramegowda, Major v. Special Land Acquisition Officer, Bangalore, (1988) 2 SCC 142.*

[1] 2025 SCC OnLine SC 1969

261. *Thus, for the reasons aforesaid, the impugned order of the High Court deserves to be set aside. Before we proceed to close this judgment, we deem it appropriate to make it abundantly clear that administrative lethargy and laxity can never stand as a sufficient ground for condonation of delay, and we want to convey an emphatic message to all the High Courts that delays shall 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, who also equally suffer the bars of limitation from pursuing litigations due to its own lackadaisical attitude.*

262. *The High Courts ought not give a legitimizing effect to such callous attitude of State authorities or its 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 litigations, wherein the fruits of their decrees or favourable orders are frustrated at later stages. We are at pains to reiterate this everlasting trend, and put all the High Courts to notice, not to reopen matters with inordinate delay, until sufficient cause exists, as by doing so the courts only add insult to the injury, more particularly in appeals under Section 100 of the CPC, wherein its jurisdiction is already limited to questions of law.*

263. *Limitation periods are prescribed to maintain a sweeping scope for the lis to attain for finality. More than the importance of*

judicial time, what worries us 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, it is our obligation that we assure that a litigant is not sent from pillar to post to seek justice.

264. *No litigant should be permitted to be so lethargic and apathetic, much less be permitted by the courts to misuse the process of law."*

10. Further, in the case of **Postmaster General vs. Living Media India Ltd.**[2] it was held that the law of limitation applies on all parties equally and should not be relaxed merely because of government incurred inaction and negligence on its part of obligations and duties. The relevant paragraphs of the said judgment for ready reference are reproduced hereunder :

*"**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.*

[2](2012) 3 SCC 563

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.*

29. *In our view, it is the right time to inform all the government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bona fide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red tape in the process. The government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used as an anticipated benefit for the government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few.*

30. *Considering the fact that there was no proper explanation offered by the Department for the delay except mentioning of various dates, according to us, the Department has miserably*

failed to give any acceptable and cogent reasons sufficient to condone such a huge delay. Accordingly, the appeals are liable to be dismissed on the ground of delay."

11. Therefore, when the appellants failed to explain the day-to-day delay or establish any sufficient cause, and also taking note of the principles laid down by the Hon'ble Supreme Court (supra) with regard to delays by State authorities in filing appeals with no justifiable reasons or cause, we are not inclined to entertain Interlocutory Application No.1 of 2026 in Writ Appeal No.1077 of 2026 which was filed for condonation of delay of (711) days.

12. Accordingly, the Interlocutory Application No.1 of 2026 in Writ Appeal No.1077 of 2026 fails and the same deserves to be and is accordingly dismissed. As a consequence, Writ Appeal No.1077 of 2026 also stands dismissed. No costs.

13. Miscellaneous petitions, pending if any, shall stand closed.

P. SAM KOSHY, J

NARSING RAO NANDIKONDA, J

Date :: 05.10.2026
Ndr