

News

The Supreme Court criticizes the Odisha government for making flimsy justifications for the delayed appeal.



The Court declared, "We have determined that the State of Odisha is completely lazy, tardy, and indolent."

The Odisha government was recently criticized by the Supreme Court for the lengthy delay in pursuing its appeal in a case, calling its strategy completely ineffective and its explanations for the delay a "lame excuse." [State of Orissa & Ors. v. Namatara Girls High School Managing Committee]

A bench consisting of Justices Dipankar Datta and Satish Chandra Sharma noted that the State has consistently failed to submit appeals in the case by the deadline.Both

before the High Court and this Court, we have found the State of Odisha to be completely indolent, sluggish, and lethargic. The State of Odisha has come to this Court four months after the statute of limitations has passed, despite the High Court's dismissal of its appeal as time-barred," the Court stated.

The Court reaffirmed that delays must have valid justifications and cannot be justified as a regular occurrence. It is not possible to claim the privilege to be excused for a delay. The Court has complete authority over whether or not to allow a postponement," it noted.

The State's argument that the appeal's filing delay was due to procedural delays in getting higher authority approval rather than intentionality was rejected by the Court. The Court stated, "We are of the clear opinion that the cause sought to be shown here by the State of Odisha is not an explanation but a dull excuse, despite all the latitude that is shown to a 'State'."

The appeal was linked to a court case that started in 2011 when the managing committee of the school petitioned the State Education Tribunal to issue grant-in-aid, or government funding, under the 1969 Odisha Education Act.

The State government and the Director of Secondary Education were ordered by the tribunal in December 2013 to provide funding for the school's employees.

Only in October 2015 did the Odisha government file a challenge against the tribunal's 2013 judgment in the High Court of Orissa.

Notably, the appeal was submitted without the necessary certified copy of the tribunal's order and after the statutory time (limitation period). It was almost eight years before this flaw was fixed.

Because there was no certified copy of the tribunal order, the High Court denied the appeal in April 2023.

After obtaining the document in February 2024, the State requested that the High Court resume the case and provide an extension for the delay. But in February 2025, the High Court denied the plea, noting that the appeal had been faulty since 2015, which amounted to a more than ten-year wait.

Subsequently, the State submitted a late Special Leave Petition with the Supreme Court, which it later refiled after correcting several errors.

In its ruling on February 9, the Supreme Court reviewed the justifications offered for the delays and determined that they were inadequate.

It recognized that in certain instances, a lenient stance was allowed when government agencies requested a deferred pardon. But the Court noted that even such tolerance has its limits, citing the findings in the Commissioner of Wealth Tax, Bombay v. Amateur Riders Club, Bombay case.

It noted that the State has demonstrated protracted delay in this issue before the Supreme Court of India as well as the High Court of Orissa.

As a result, the Court rejected the Special Leave Petition as time-barred and declined to justify the delay.

Sanjana Saddy, an advocate, represented the State of Orissa.