

GAHC040012652023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : IA(C)/156/2023

Shri Bomi Nyorak and 13 Ors.

Son of Late Pakbom Nyorak, resident of Basar, District Leparada, Arunachal Pradesh.

2: Smti Aihi Taggu

Age:

Occupation :

3: Shri Er. Tung Sono

Age:

Occupation :

4: OsemMongku

Age:

Occupation :

5: Shri Takap Lamrah

Age:

Occupation :

6: Smti Er. Millo Ampu

Age:

Occupation :

7: Shri Tana Zoma

Age:

Occupation :

8: Tad Logi

Age:
Occupation :

9: Shri Er. Kari Ete

Age:
Occupation :

10: Shri Kenge Angu

Age:
Occupation :

11: Smti Elena Gao

Age:
Occupation :

12: Shri Kapu Takar

Age:
Occupation :

13: Shri Sang Khandu Thondok

Age:
Occupation :

14: Smti Nabam Yate

Age:
Occupation

VERSUS

The State of AP and 4 Others

represented by Chief Secretary, Govt. of Arunachal Pradesh, Itanagar cum Chairman
Departmental Promotion Committee. 2: The Commissioner and Secretary

Age: 0
Occupation :

3: Shri Moli Tatu

Age: 53
Occupation :

4: Shri Jomba Loya

Age: 52
Occupation :

5:Shri Itum Naso
Age: 0
Occupation

Advocate for the Petitioner : Teto Taba

Advocate for the Respondent : GA (AP)

BEFORE
HONBLE MR. JUSTICE KALYAN RAI SURANA
HONBLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 06.12.2023
(K.R. Surana, J)

Heard Mr. B.J. Ghosh, learned counsel for the applicants. Also heard Mr. N. Ratan, learned Additional Advocate General for the State, representing opposite party nos.1 and 2, and Mr. R. Saikia, learned counsel for the opposite party nos.3 to 5.

2. By filing this leave application, the applicants, who claim to be adversely affected by the judgment and order dated 05.07.2023, passed by the learned Single Judge of this Court in WP(C) No. 297(AP)/2023 are praying for leave to file the connected appeal.

3. The opposite party nos.3 to 5 have filed their objection in form of an affidavit. The same has been considered after hearing the learned counsel for the said opposite party nos.3 to 5.

4. The Court is of the considered opinion that even if the applicants allege a semblance of being "adversely affected" by the impugned judgment

and order, they would have a right to be heard because of the well settled legal position that one cannot be condemned unheard. Whether or not there is a merit in the claim is something which would be decided in the connected appeal and not while deciding the leave application. This leave application cannot be allowed to partake the character of a full fledged hearing on merit.

5. Therefore, despite objection made by the learned counsel for the opposite party nos.3 to 5, as the applicants contend that they would be prejudicially and/or adversely affected if the judgment in the connected appeal is implemented, this leave application stands allowed so as to enable the applicants to ventilate their grievance as to how they are adversely affected in the judgment impugned in the connected appeal.

6. Accordingly, this interlocutory application stands disposed of.

JUDGE

JUDGE

Comparing Assistant