

GAHC010092162022



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

Case No. : I.A.(Civil)/1455/2022

SMT. ARPANA DEVI
W/O. SRI KANAK SHARMA, R/O. VILL. MALIGAON CHARIALI, NEAR
NARAYAN SANGEET VIDYALAYA, PANDU ROAD, P.S JALUKBARI,
GUWAHATI-12, DIST. KAMRUPM, ASSAM.

VERSUS

THE STATE OF ASSAM and 4 ORS.
REP. BY THE SECRETARY HANDLOOM and TEXTILE AND SERICULTURE
DEPTT., GOVT. OF ASSAM, DISPUR, GUWAHATI-6, DIST. KAMRUPM,
ASSAM.

2:THE DIRECTOR

HANDLOOM and TEXTILE
ASSAM
GUWAHATI-1
DIST. KAMRUPM
ASSAM.

3:THE MANAGING DIRECTOR
ARTFED

AMBARI
GNB ROAD
GUWAHATI-781001
DIST. KAMRUPM
ASSAM.

4:THE DY. GENERAL MANAGER PandM and FandA

ARTFED

GNB ROAD
AMBARI
GUWAHATI-1
DIST. KAMRUPM
ASSAM.

5:BOARD OF SECONDARY EDUCATION SEBA
ASSAM

BAMUNIMAIDAM
GUWAHATI-21
REP. BY ITS CHAIRMAN
BOARD OF OF SECONDARY EDUCATION
ASSAM
P.O. BAMUNIMAIDAM
GUWAHATI-21
DIST. KAMRUPM
ASSAM

Advocate for the Petitioner : MR. D BORAH

Advocate for the Respondent : SC, HANDLOOM AND TEXTILE

Linked Case : WP(C)/3227/2017

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ASSAM.

Advocate for : MRS.H SARMAH
Advocate for : MR.T C CHUTIASC
SEBA appearing for THE STATE OF ASSAM and 4 ORS.

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 31/07/2023

Heard Mr. D. Borah, learned counsel appearing for the petitioner. This application has been filed seeking restoration of WP(C) No. 3227/2017, which was dismissed on 02.02.2022.

2. The learned counsel for the petitioner submits that during the relevant point in time the entire country was reeling under the third wave of COVID-19, as a consequence thereof Courts were functioning through virtual mode.

3. Mr. D. Borah, learned counsel for the petitioner had to proceed to Jorhat for personal work and thereafter he proceeded to Tinsukia, where he suffered from viral fever. In that view of the matter, the learned counsel was not aware that the matter was listed and also in the area in his native place there was hardly any internet connection and therefore it was not possible for him to pursue the matter which were being taken up through virtual mode, in right earnest.

4. In that view of the matter the learned counsel for the petitioner submits that the order dated 02.02.2022 dismissing the writ petition being WP(C)/3227/2017 be recalled and the writ petition be restored to file.

5. Mr. R. Dhar, learned Additional Senior Government Advocate appearing for the State does not object to the submissions made by the petitioner.

6. Accordingly, having heard the learned counsel for the petitioner and upon due perusal of the grounds urged, this Court is of the view that the grounds

which are urged in the Interlocutory Application showing cause for non appearance can be accepted to be sufficient grounds to recall the order dated 02.02.2022 passed in WP(C)/3227/2017.

6. Accordingly, the Interlocutory Application stands allowed recalling the order dated 02.02.2022 passed in WP(C)/3227/2017. The writ petition is accordingly restore to file.

JUDGE

Comparing Assistant