

HIGH COURT OF MEGHALAYA
AT SHILLONG

MC (WA) No.10/2024

Date of Order: 02.05.2024

Smti. Sengachi M. Sangma

..... Applicant

Vs.

1. State of Meghalaya, represented by the Commissioner and Secretary to the Government of Meghalaya, Education Department, Meghalaya.
2. Director of School Education and Literacy cum State Project Director, SSA, Meghalaya, Shillong.
3. The Project Director, SSA, SEMAM, Meghalaya, Shillong.
4. The District School Education Officer, West Garo Hills, Tura.
5. The District Mission Co-Ordinator, SSA, West Garo Hills District, Meghalaya.
6. The Sub-Divisional School Education Officer cum Joint District Mission Co-ordinator, Dadenggre Civil Sub-Division, West Garo Hills, Meghalaya.
7. The President, Managing Committee of Rongsai SSA UP School P.O. Dedaldoba, PS Tikrikilla, District West Garo Hills, Meghalaya.
8. Shri Siljon A. Sangma, S/o (L) Rangmin Marak, R/o Ghaguapara, P.O. & P.S. Tikrikilla, West Garo Hills District, Meghalaya.

..... Respondents

Coram:

Hon'ble Mr. Justice S. Vaidyanathan, Chief Justice
Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Applicant

: Mr. S. Chanda, Adv

For the Respondent

: Mrs. T. Yangi B., AAG with
Mr. E.R. Chyne, GA

The present application has been filed to condone the delay of 621 days.

2. It is submitted by the learned counsel for the applicant that against the order dated 20.06.2022 of the learned Single Judge, a Review Petition No.11 of 2022 was filed, which was disposed of on 08.02.2024. Thereafter, the present Writ Appeal in SR stage has been preferred against the order of the learned Single Judge, in the month of April, 2024. It is his submission that though there is a delay of 621 days from the date of passing of the original order, viz., 20.06.2022, the pendency of Review Petition needs to be excluded and in that case, the delay is only minimal and would be less than 60 days. Thus, learned counsel for the applicant prayed that the delay may be condoned, as no prejudice would be caused to the respondents in doing so.

3. The respondents vehemently opposed for condoning the delay, stating that the Review Petition was not disposed of on merits, but was dismissed as withdrawn. Since the delay is enormous and exorbitant, this Court will have to reject the application on the ground of laches.

4. Heard the parties.

5. After hearing both the parties, we are of the view that the applicant has given sufficient reasons for condoning the delay. In the light of the judgments of the Apex Court in **Ramlal, Motilal and**

Chhotelal Vs. Rewa Coalfields Ltd., reported in *AIR 1962 SC 361*,
N.Balakrishnan V. M. Krishnamurthy reported in *(1998) 7 SCC 124*,
and Postmaster General and Others V. Living Media India Limited
and another reported in *(2012) 3 SCC 563*, if the delay has been
satisfactorily explained, the same can be condoned. These judgments
have also been followed by a Division Bench of the Madras High Court
in the case of *M/s.Ruskim Sea Foods Limited vs. M/s.Evergreen Sea*
Foods Pvt. Ltd., reported in *MANU/TN/0876/2018* in which one of us
(S.Vaidyanathan,J) was a party, wherein it has been held as follows:

“32. Ordinarily, the 'Condonation of Delay' is a matter of discretion to be exercised by the Concerned Court. Also, it is true that the length and breadth of delay is not relevant, but the acceptance of explanation can only be a relevant criterion for the concerned Court to deal with / condone the aspect of 'Condonation of Delay'. However, in this regard, the Petitioner / concerned litigant is to offer / ascribe sufficient reasons or project sufficient cause or good cause to condone the delay with a view to enable the Concerned Court to take a liberal view with a view to secure the ends of justice.”

6. To be precise, even if the delay is short and there is no proper explanation forthcoming, the delay need not be condoned. Similarly, despite the fact that the delay is enormous, sufficient reasons are given thereunder, the delay can be condoned.

7. In the present case on hand, the period during which the Review Petition was pending needs to be excluded for the purpose of condoning the delay, as rightly pointed out by the learned counsel for the applicant. Though in the affidavit, it has been stated that there is a delay of 621 days, after excluding the period of pendency of Review Petition, the delay is only less than 60 days and as such, the reasons given by the applicant are genuine and are acceptable to us to condone the delay.

8. Accordingly, MC (WA) No.10 of 2024 is allowed and the delay of 621 days is condoned. Registry is directed to diarize the appeal, if it is otherwise in order.

(B. Bhattacharjee)
Judge

(S. Vaidyanathan)
Chief Justice

Meghalaya
02.05.2024
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