

GAHC010067352023



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

Case No. : MC/21/2023

INDIRA BALA KALITA AND 2 ORS.

D/O- LATE KANDARPA KALITA, W/O- ADITYA MOHANTA, R/O- VILL-
NABAPUR, P.O AND P.S- BOKO, DIST- KAMRUP(R), ASSAM, (ASSTT
TEACHER OF GOROIMARI ANCHALIK GIRLS HIGH SCHOOL)

2: SALEHA HASAN

D/O- ABDUL HAKIM

W/O- RAMZANUL ISLAM

R/O- VILL- GOROIMARI BAZAR

P.O- TUKRAPARA

P.S- CHHAYGAON

DIST- KAMRUP(R)

ASSAM

(ASSTT TEACHER OF GOROIMARI ANCHALIK GIRLS HIGH SCHOOL)

3: DAIBAKI KALITA

R/O- VILLAGE LEZA

P.O- BARUAJANI

P.S- KAMALPUR

DIST- KAMRUP(R)

ASSAM (ASSTT TEACHER OF ARUNODOI HIGH SCHOOL

JAMUGURI

VERSUS

RAMESH CHAND JAIN AND 3 ORS.

COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM, EDUCATION
(SECONDARY) DEPTT, DISPUR, GUWAHATI- 06

2:RAJIV KUMAR BORA

ADDL CHIEF SECRETARY TO THE GOVT OF ASSAM

EDUCATION (SECONDARY) DEPTT

ASSAM CIVIL SECRETARIAT

DISPUR

GUWAHATI- 781006

3:PHANINDRA JIDANG
DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GHY- 19

4:MADHAB CHANDRA DEKA
INSPECTOR OF SCHOOLS
KDC
KAMRUP
AMINGAON
GHY- 3

Advocate for the Petitioner : MR. L KALITA

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 27.03.2024

Heard Mr. L. Kalita, learned counsel for the petitioner.

The present Miscellaneous Case has been instituted by the petitioners herein, praying for restoration of the Contempt Case No. 139/2018, which was dismissed on non-prosecution vide order dated 24.02.2023.

On perusal of the pleadings as brought on record in the miscellaneous case, it is seen that the petitioners have satisfactorily explained the absence of the engaged counsels on the dates when the connected contempt case was called up for hearing.

The petitioner herein, is not at fault for the non-appearance of the counsel for the petitioners on the dates when the contempt case was taken up for consideration i.e., on 05.09.2022 and on 24.02.2023. The cause of action, for which, the contempt petition was so instituted continues as on date.

In view of the above, this Court is of the view that the order dated 24.02.2023, passed in Contempt Case No. 139/2018 needs to be recalled. Accordingly, the same stands recalled.

The contempt petition be restored to file.

The recalling of the order dated 24.02.2023, would revive the order dated 04.04.2018, by which notices in the contempt petition were issued upon the respondents.

Accordingly, the Miscellaneous Case stands disposed of.

JUDGE

Comparing Assistant