

GAHC010090102024



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

Case No. : I.A.(Civil)/1452/2024

OM PRAKASH SAH
S/O UMESH SAH R/O ACHARYA TULSI MARG,
NORTH BONGAIGAON, P.O./DIST. BONGAIGAON, ASSAM

VERSUS

1: THE STATE OF ASSAM AND 4 ORS REP. BY THE COMMISSIONER AND
SECRETARY TO THE GOVT. OF ASSAM, EDUCATION DEPARTMENT,
DISPUR, GUWAHATI -781006.

2:THE DIRECTOR OF HIGHER EDUCATION
KAHILIPARA GUWAHATI - 781019.

3:THE COMMISSIONER and SECRETARY TO THE GOVT OF ASSAM
FINANCE DEPARTMENT DISPUR GUWAHATI -6.

4:THE GOVERNING BODY OF BONGAIGAON COLLEGE REP. BY THE
PRINCIPAL and SECRETARY BONGAIGAON COLLEGE BONGAIGAON -
783380.

5:THE PRINCIPAL
BONGAIGOAN COLLEGE BONGAIGAON- 783380

For the Applicant(s) : Ms. B. Bhuyan, Sr. Advocate, assisted by Mr. T. Deuri, Advocate.

For the Respondent(s) : Mr. S. Das, Standing Counsel, Education (Higher) Department for
respondent Nos.1 & 2.

: Mr. A. Chaliha, Standing Counsel, Finance Department for
respondent No.3.

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

29.11.2024

(Vijay Bishnoi, CJ)

As per office report, notices issued to the respondent Nos.4 & 5 have not been received till date. However, an affidavit is filed on behalf of the applicant submitting the proof that the notices issued to the respondent Nos.4 & 5 had been received personally by the Principal of Bongaigaon College, Bongaigaon.

The notices issued to the respondent Nos.1, 2 & 3 have already been served.

This interlocutory application is filed under Section 5 of the Limitation Act, 1963 with a prayer to condone the delay of 63 days in filing the connected appeal. It is stated in the application that on account of illness, the applicant has failed to file the appeal within the limitation prescribed.

No counter to the application is filed on behalf of the respondent Nos.1 to 3 and even none is appearing on behalf of the respondent Nos.4 & 5.

Having heard the learned counsel appearing for the parties and after going through the contents of the application, we deem it appropriate to condone the delay of 63 days in filing the connected appeal. Hence, the interlocutory application is allowed. The delay of 63 days in filing the connected appeal is condoned.

Registry is directed to register the connected appeal and list the same for admission after 4(four) weeks.

The interlocutory application stands disposed of.

JUDGE

CHIEF JUSTICE

Comparing Assistant