

GAHC010102282024



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

**Case No. : I.A.(Civil)/1573/2024**

1: FARUQUE MD SAIKIA AND 6 ORS  
S/O MAHCHIN ALI SAIKIA, RESIDENT OF VILLAGE AND PO  
LOHARKATHA, PS MUKALMUA, DIST NALBARI, ASSAM 781126

2: JIAUL HAQUE  
S/O- CHANDMOHAMMAD ALI R/O- VILLANDP.O.- BARNI  
P.S.- HAJO 781102 KAMRUP (R)

3: ROHAN MAHMOOD  
S/O ABDUR RASHID RESIDENT OF VILLAGE  
PO AND PS ABHAYAPURI DIST BONGAIGAON ASSAM 783384

4: RAJIB KR DEKA  
S/O MADHU RAM DEKA RESIDENT OF VILAGE BAGTA  
PS HAJO DIST KAMRUP(R) ASSAM 781102

5: MIRAJUDDIN AHMED  
S/O FAIZUDDIN AHMED RESIDNET OF VILLAGE AND PO JAGARA  
NALBARI ASSAM 781310

6: HAINA BASUMATARY  
D/O GAJENDRA BASUMATARY VILLAGE DHALIGAON  
PS DHALIGAON PO DHALIGAON DIST BONGAIGAON ASSAM 783385

7: MD. RAKIB AKTER KHAN  
S/O RAZA KHAN RESIDENT OF VILLAGE MALLPARA  
PO CHENIMARI PS TARABARI DIST BARPETA ASSAM 78130

VERSUS

1: THE STATE OF ASSAM AND 6 ORS REP. BY THE COMMISSIONER AND  
SPECIAL SECRETARY TO THE GOVT. OF ASSAM, PUBLIC WORKS (ROADS),  
DEPTT. ASSAM, SECRETARIAT, DISPUR, GUWAHATI-6

2:THE COMMISSIONER AND SPECIAL SECRETARY TO THE GOVT. OF  
ASSAM PUBLIC WORKS (ROADS) DEPTT. ASSAM SECRETARIAT DISPUR  
GUWAHATI-6

3:THE COMMISSIONER AND SPECIAL SECRETARY TO THE GOVT OF  
ASSAM PUBLIC WORKS (BUILDING AND NH) DEPTT. ASSAM  
SECRETARIAT DISPUR GUWAHATI-6

4:THE DEPUTY SECRETARY (E) PW (BLDG AND NH) DEPTT. ASSAM  
ASSAM SECRETARIAT DISPUR GUWAHATI-6

5:THE DEPUTY SECRETARY TO THE GOVT. OF ASSAM PPWRD (ESTT. -B)  
BRANCH ASSAM SECRETARIAT DISPUR GUWAHATI-6

6:ASSAM PUBLIC SERVICE COMMISSION REP. BY ITS CHAIRMAN  
JAWAHAR NAGAR KHANAPARA GUWAHATI ASSAM PIN-781022

7:THE DEPUTY SECRETARY ASSAM PUBLIC SERVICE COMMISSION  
JAWAHAR NAGAR KHANAPARA GUWAHATI-2

**Linked Case : W.A. No.5738/2024 (Filing Number)**

FARUQUE MD SAIKIA AND 6 ORS

**VERSUS**

THE STATE OF ASSAM AND 6 ORS

For the Applicant(s) : Mr. A.R. Bhuyan, Advocate.

For the Respondent(s) : Mr. D. Nath, Standing Counsel, PWD for respondent Nos.1 to 5.  
: Mr. T.J. Mahanta, Standing Counsel, APSC, assisted by Ms. P.  
Sarma, Advocate for respondent Nos.6 & 7.

**- B E F O R E -**

**HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI**  
**HON'BLE MR. JUSTICE SUMAN SHYAM**

**31.05.2024**

*(Vijay Bishnoi, CJ)*

The matter comes upon for consideration of the interlocutory application preferred on behalf of the applicants/appellants with a prayer to condone the delay of 768 days in filling the connected appeal.

The applicants/appellants have filed a writ petition being WP(C) No.744/2020 before this Court with a prayer for setting aside the advertisement dated 19.11.2019 issued by the State for the purpose of recruitment of Junior Engineers (Civil) in Public Works Department on the ground that they are working on the same posts on stopgap basis as per Regulation 3(f) of the Assam Public Service Commission (Limitation of Functions) Regulations, 1951. They have also prayed for regularization of their services on the aforesaid posts.

The learned Single Judge, after hearing the applicants/appellants as well as the respondent State, has dismissed the said writ petition vide judgment & order dated 14.03.2022 and further directed the State to initiate the selection process pursuant to the advertisement dated 19.11.2019. Against the judgment & order passed by the learned Single Judge on 14.03.2022, the applicants/appellants have preferred a writ appeal with a delay of 768 days.

The applicants/appellants have contended that the delay caused in filing the connected appeal is because till date the selection process has not been initiated by the respondents and the applicants/appellants are still continuing on temporary basis till date. It is further contended that now since the respondents have initiated the selection process, they advised to file the writ appeal challenging the impugned judgment passed by the learned Single Judge.

Having heard the learned counsel for the applicants/appellants and after going through the contents of the application, we are of the view that the applicants/ appellants have failed to offer any satisfactory explanation in condoning the delay in filing the connected appeal. In such circumstances, we are of the view that the prayer made by the applicants/appellants for condoning the delay of 768 days in filing the connected appeal is devoid of any merit and

hence, the same is dismissed. Resultantly, the connected writ appeal, which is yet to be numbered, is also dismissed.

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**