

GAHC010133142024



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

Case No. : I.A.(Civil)/2131/2024

NARENDRA PRATAP SINGH AND 2 ORS.
S/O LATE VISHWANATH SINGH, RETIRED PROFESSOR, KOKRAJHAR,
GOVERNMENT COLLEGE, (PREVIOUSLY KOKRAJHAR COLLEGE), P.O.
AND DIST. KOKRAJHAR, ASSAM.

2: SURATH NARZARY
S/O LATE PATHAK CHANDRA NARZARY

RETIRED PRINCIPAL
KOKRAJHAR GOVT. COLLEGE (PREVIOUSLY KOKRAJHAR COLLEGE)

P.O. AND DIST. KOKRAJHAR
ASSAM.

3: BELA DAS
W/O LATE S.C. DAS

RETIRED HEAD OF THE DEPARTMENT
DEPARTMENT OF CHEMISTRY
KOKRAJHAR GOVT. COLLEGE
(PREVIOUSLY KOKRAJHAR COLLEGE
P.O. AND DIST. KOKRAJHAR
ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
EDUCATION (HIGHER) DEPARTMENT, ASSAM, DISPUR, GUWAHATI-6.

2: THE DIRECTOR OF HIGHER EDUCATION

ASSAM
KAHILIPARA

GUWAHATI -19.

3:THE ACCOUNTANT GENERAL (A AND E)
ASSAM.

4:THE DIRECTOR OF PENSION
GOVT. OF ASSAM.

5:THE PRINCIPAL
KOKRAJHAR GOVERNMENT COLLEGE
KOKRAJHAR
P.O.
P.S. AND DIST.- KOKRAJHAR
ASSAM

For the applicants : Ms. A. Begum, Advocate
For the respondents : Mr. N. Das, Govt. Advocate, Assam
Mr. S. Das, S.C., Higher Education
Mr. R.K. Talukdar, S.C., A.G.

– B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

08-11-2024

(Vijay Bishnoi, C.J.)

The matter comes up for consideration of IA(Civil) 2131/2024 filed under Section 5 of the Limitation Act, 1963 with the prayer for condonation of delay of 443 days in filing the connected writ appeal against the judgment and order dated 21.03.2023 passed by the learned Single Judge in WP(C) 620/2018.

It is stated in the application that against the impugned judgment and order, the applicants have preferred a review petition before the learned Single Judge. However, the same was later on withdrawn. It is also stated that the applicants are old aged persons and on account of age related ailments, they were not prompt in filing the connected writ appeal. It is further stated that the

applicant No.1 went to Bengaluru where his son is serving for urgent family affairs and he came back from Bengaluru only in the month of April, 2024 and then he contacted his counsel. It is, therefore, prayed that the delay in filing the connected appeal may kindly be condoned.

Learned counsel for the respondents have opposed the application and argued that the delay in filing the connected writ appeal has not been explained satisfactorily. Therefore, the same cannot be condoned.

Having heard the learned counsel appearing for the parties and after taking into consideration the averments made in paragraph 8 of the application, we deem it appropriate to allow the prayer for condonation of delay.

Accordingly, the delay of 443 days in filing the connected writ appeal is condoned.

The interlocutory application is disposed of.

Registry is directed to register the connected writ appeal and list the same before this Court after four weeks for admission.

JUDGE

CHIEF JUSTICE

Comparing Assistant