

GAHC010146312023



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

Case No. : MC/63/2023

SOLIM UDDIN
S/O LT. MUZAFAR ALI, VILL. MATRAGHOLA, P.O. KRITANPARA, P.S.
ABHAYAPURI, DIST- BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM,
EDUCATION DEPTT. ELE, DISPUR, GHY-6

2:COMMISSIONER and SECY. GOVT.OF ASSAM
FINANCE B DEPTT.
DISPUR
GHY-6

3:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GHY-19

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
BONGAIGAON
ASSAM

5:THE BLOCK ELEMENTARY EDUCATION OFFICER
SRIJANGRAM
DIST- BONGAIGAON
ASSA

Advocate for the Petitioner : MR.M U MAHMUD

Advocate for the Respondent : SC, ELEM. EDU

Linked Case : WP(C)/7058/2015

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Advocate for : MR.M U MAHMUD
Advocate for : SC

ELEMENTARY EDUCATION appearing for THE STATE OF ASSAM AND 4 ORS

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

26.04.2024

Heard Mr. MU Mahmud, learned counsel for the petitioner.

This misc case has been filed for seeking restoration of the writ petition being W.P(C) No. 7058/2015 which came to be dismissed by the order dated 11.11.2021.

It is submitted that the matter was listed along with a bunch of writ petitions in the Part-II hearing list. When the matters were called up, the same were dismissed including the present writ petition. The learned counsel for the petitioner submits that because of oversight, the counsel could not appear before the Court and therefore the matters came to be dismissed. He submits that there was no deliberate or willful absence by the counsel leading to the default on the part of the counsel.

Prayers made are not objected to by the learned counsel for the respondents.

Having heard the learned counsel for the parties and upon careful perusal of the pleadings on record, this Court is satisfied that the grounds urged in the petition are sufficient to accept that there was no deliberate or willful absence on the part of the counsel to appear before the Court when the matters were called up.

Under such circumstances, the order dated 11.11.2021 passed in W.P.(C) No. 7058/2015 by which the matter was dismissed for default, stands recalled and W.P(C) No. 7058/2015 stands restored.

Accordingly, the misc case stand allowed and disposed of.

Copy of this order be retained in the writ petition. Registry to do the needful.

JUDGE

Comparing Assistant