

GAHC010147792023



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

Case No. : WA/267/2023

BAPAN SARMA
S/O LT. BIDHU SARMA, HOUSE NO. 512, BILASIPARA, WARD NO. 8, P.O.
HAKAMA, P.S. BILASIPARA, DIST. DHUBRI, ASSAM, PIN-783348

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
SECONDARY EDUCATION DEPTT. DISPUR, GUWAHATI-6

2:THE DIRECTOR
SECONDARY EDUCATION ASSAM
KAHILIPARA
GUWAHATI-19

3:THE INSPECTOR OF SCHOOLS
DHUBRI DIST. CIRCLE

4:THE PRINCIPAL
ROKAKHATA H.S.SCHOOL
BILASIPARA
P.O. HAKAMA
DIST. DHUBRI

5:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
DEPARTMENT OF FINANCE

DISPUR
GUWAHATI
ASSAM
PIN- 78100

Advocate for the Appellant : Mr. A. K. Dutta, Adv.

Advocate for the Respondent : Mr. R. Mazumdar, SC, SEC. EDU.

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 19/04/2024
Vijay Bishnoi, CJ

This Writ Appeal is filed by the appellant being aggrieved by the order dated 14/06/2023 passed by the learned Single Judge in WP(C) No. 6732/2019 whereby, the writ petition filed by the appellant has been dismissed only on the ground of delay.

The case of the appellant was before the learned Single Judge was that he was selected by the School Management and Development Authority for appointment to a Grade-IV post in the Rokakhata H.S. School, Dhubri, Assam. However, on account of some litigation pending in the Court, the appointment order could not be issued in relation to the selection took place in the year 2013-14.

The appellant has approached this Court in the year 2019 by way of filing WP(C) No. 6732/2019 with the prayer to issue a direction to the respondents to appoint him on the post for which he was selected. The learned Single Judge took note of the fact that the appellant has approached this Court after lapse of 5 (five) years without any explanation, has dismissed the writ petition on the sole ground of delay by the impugned order. Learned counsel for the appellant has submitted that instead of dismissing the writ petition on the ground of delay, the learned Single Judge should have decided the writ petition on merit.

Having heard the learned counsel for the appellant and after going through the impugned order as well as the materials available on record, we do not find any case for interference as the appellant has approached this Court after an unexplained delay of 5 (five) years. This Court has also taken note of the fact that the selection took place in the year 2013-14 and now after lapse of 10(ten)

years, no direction for appointment on the post for which the appellant was selected, can be issued.

Hence, we do not find any merit in the appeal. The appeal is, therefore, dismissed.

JUDGE

CHIEF JUSTICE

sukhamay

Comparing Assistant