

GAHC010148842023



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

Case No. : I.A.(Civil)/1977/2023

MEHBUB ALAM CHOUDHURY,
S/O LT. MOTIUR RAHMAN CHOUDHURY R/OVILL and P.O. DALU, P.S.
BORKHOLA DIST. CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM and 5 ORS.
REP.BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
EDUCATION DEPARTMENT, ASSAM

2:THE DIRECTOR OF ELEMENTARY EDUCATION
KAHILIPARA
GUWAHATI
ASSAM

3:THE DEPUTY INSPECTOR OF SCHOOL
CACHAR
SILCHAR
ASSAM

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
CACHAR
SILCHAR
ASSAM

5:THE BLOCK ELEMENTARY EDUCATION OFFICER
SALCHAPRA
CACHAR
ASSAM

6:SHYMAN BARMAN

AT
607 NO. DULA CHOTO RAMPUR L.P. SCHOOL
VILL. DULA
SALCHAPARA
DIST. CACHAR
SILCHAR
ASSA

Advocate for the Petitioner : MR.A CHETIA, MS T J SAHEWALLA,MR.P DEKA,MR.G N
SAHEWALLA,MD.ASLAM

Advocate for the Respondent : SC, ELEM. EDU,

Linked Case : WP(C)/5434/2017

MEHBUB ALAM CHOUDHURY
S/O LT. MOTIUR RAHMAN CHOUDHURY R/OVILL and P.O. DALU
P.S. BORKHOLA DIST. CACHAR
ASSAM

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THE STATE OF ASSAM and 4 ORS.
REP.BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
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SALCHAPRA
CACHAR
ASSAM

Advocate for : MR.A CHETIA

Advocate for : SC

ELEMENTARY EDUCATION appearing for THE STATE OF ASSAM and 4 ORS.

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 19.08.2024

- 1.** Heard Mr. P. Deka, learned counsel for the applicant.
- 2.** Also heard Mr. P.K. Bora, learned Standing counsel, Elementary Education Department, for respondent Nos. 1 to 5.
- 3.** By this application, the applicant, who is the writ petitioner in WP(C) No. 5434/2017, is praying for amendment of the said writ petition on the ground that during pendency of WP(C) No. 5434/2017, certain developments have taken place and that the respondents have also termed the appointment of the petitioner as fake. Therefore, unless those orders are challenged and the writ petition is modified, the petitioner would not get substantial justice.
- 4.** Mr. P.K. Bora, learned Standing counsel, Elementary Education Department, however, submits that by allowing the petitioner to file amended writ petition would change the structure of the writ petition and therefore, the prayer of the applicant for amendment of the writ petition should be rejected.
- 5.** After hearing the learned counsel for the parties and on perusal of the materials available in the present application, this Court is of the considered

opinion that that the applicant is praying for incorporating events that have taken place during pendency of WP(C) No. 5434/2017 and therefore, prayer of the applicant is found to have substance. Further, the respondents will be allowed to file counter affidavit if the amended writ petition is filed and therefore, this Court finds no reason to reject the present I.A.

6. Accordingly, the prayer for amendment of the WP(C) No. 5434/2017 as proposed in Paragraph Nos. 11(i), 11(ii) & 11(iii), is allowed.

7. I.A. is accordingly disposed of.

JUDGE

Comparing Assistant