

GAHC010181452024



2024:GAU-AS:12866-DB

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

Case No. : I.A.(Civil)/3132/2024

1: KAMESWAR BORUAH AND 20 ORS
S/O LATE TIPSON BORUAH, R/O CHAPAKHOWA,
P.O.-CHAPAKHOWA, P.S.-SADIYA, PIN-786157, DIST-TINSUKIA, ASSAM

2: JYOTISH GOGOI
S/O LATE MOHEN CHANDRA GOGOI R/O CHAULKHOWA NA-GAON
P.O. AND P.S.-SADIYA PIN-786155 DIST-TINSUKIA ASSAM

3: RUDRA PAYENG
S/O LATE PREMADHAR PAYENG R/O MINGMANG (KHERONIBARI)
P.O.-AMARPUR P.S.-SADIYA PIN-786157 DIST-TINSUKIA ASSAM

4: SMT. HEWALI DEORI
D/O SABINATAH DEORI R/O SUNPURA DEORIGAON P.O.-NATUN BALIJAN
P.S.-CHANG CHAP CHARIALI PIN-786158 DIST-TINSUKIA ASSAM

5: SMT. KALPANA DEORI
D/O HARENDRA NATH DEORI R/O SUNPURA DEORIGAON P.O.-NATUN
BALIJAN P.S.-CHANG CHAP CHARIALI PIN-786158 DIST-TINSUKIA ASSAM

6: SMT. RUPOHI BORGOHAIN
D/O SRI SHANGABAR BORGOHAIN R/O CHAPAKHOWA
P.O.-CHAPAKHOWA P.S.-SADIYA PIN-786157 DIST-TINSUKIA ASSAM

7: SMT. NIRUPAMA DEORI
D/O LATE CHATRADHAR DEORI R/O CHAPAKHOWA MEDICAL CHARIALI
P.O.-CHAPAKHOWA P.S.-SADIYA PIN-786157 DIST-TINSUKIA ASSAM

8: HEM CHANDRA KONWAR
S/O DANBORUDHAR KONWAR R/O 2 NO. CHAPAKHOWA GAON
P.O.-CHAPAKHOWA P.S.-SADIYA PIN-786157 DIST-TINSUKIA ASSAM

9: ANIL GOGOI
S/O LATE ANANDA GOGOI R/O TELIKOLA GAON

P.O.-KUNDIL P.S.-NA-SADIYA PIN-786158 DIST-TINSUKIA ASSAM

10: SMT. PUTULI KURMI
D/O LATE HARADHA KURMI R/O KHORIKOTIA GAON P.O.-KUKUREA
KHOWA P.S.-PANITULA PIN-786183 DIST-TINSUKIA ASSAM

11: MRS. SUNANDA BURAGOHAIN
D/O LATE KATIYA BURAGOHAIN R/O PUB LACHIT NAGAR
P.O.-CHAPAKHOWA P.S.-CHAPAKHOWA PIN-786157 DIST-TINSUKIA ASSAM

12: SMT. BISWAMIKA GOGOI
D/O LAKHESWAR GOGOI R/O LAKHIMI PATHER P.O.-CHAPAKHOWA
SADIYA P.S.-SADIYA PIN-786157 DIST-TINSUKIA ASSAM

13: TROILUKYA BARUAH
S/O LATE TIYARAM BARUAH R/O BISHNUPUR POHUKHOWAGAON
P.O.-SADIYA (GHUMTIBIL) P.S.-SADIYA PIN-786155 DIST-TINSUKIA ASSAM

14: KESHAB BARUAH
S/O LATE GUMAN BARUAH R/O KUKURAMARA P.O.-KUKURAMARA
(SADIYA) P.S.-NA-SADIYA PIN-786158 DIST-TINSUKIA ASSAM

15: MISS PARINITA GOGOI
D/O LATE BIKAN CH. GOGOI R/O JYOTISH NAGAR P.O.-CHAPAKHOWA
P.S.-SADIYA (CHAPAKHOWA) PIN-786157 DIST-TINSUKIA ASSAM

16: LOHIT KUMAR DEORI
S/O LATE DHANYARAM DEORI R/O KOPOW PATHAR DEORIGAON
P.O.-CHAPAKHOWA P.S.-CHAPAKHOWA PIN-786157 DIST-TINSUKIA ASSAM

17: MISS RUPALI GOGOI
D/O HILESWAR GOGOI R/O TUPSINGA GAON P.O.-CHAPAKHOWA
P.S.-CHAPAKHOWA (SADIYA) PIN-786157 DIST-TINSUKIA ASSAM

18: MISS SUMIRPRABHA GOGOI
D/O LATE BIJOYRAM GOGOI R/O ULLOWANI BAJAL GAON
P.O.-SADIYA P.S.-SADIYA PIN-786155 DIST-TINSUKIA ASSAM

19: SUMAL SARKAR
S/O SRI SUNAMONI SARKAR R/O BICHANIMUKH KHERBARI
P.O.-AROIMURIA (DHOLLA) P.S.-SAIKHOWA GHAT (DHOLLA)
PIN-786154 DIST-TINSUKIA ASSAM

20: SMT. PRANATI BARUAH
D/O LATE GOHIN BARUAH R/O PANITOLA GAON (BORDUBI ROAD)
P.O.-TINSUKIA PANITULA P.S.-TINSUKIA PIN-786183 DIST-TINSUKIA
ASSAM

21: SMT. JUNU DEORI
D/O KULA NATH DEORI R/O 2 NO. MOHANG BORDUMSA P.O.-PURANI
PUKHURI P.S.-BORDUMSA PIN-786174 DIST-TINSUKIA ASSAM

VERSUS

1: THE STATE OF ASSAM 4 ORS REPRESENTED BY THE COMMISSIONER
AND SECRETARY TO THE GOVERNMENT OF ASSAM, ELEMENTARY
EDUCATION DEPARTMENT, DISPUR, GUWAHATI-6

2:THE ADDITIONAL CHIEF SECRETARY FINANCE DEPARTMENT
GOVERNMENT OF ASSAM DISPUR GUWAHATI-6

3:THE DIRECTOR EDUCATION (ELEMENTARY) DEPARTMENT
KAHILIPARA GUWAHATI-19 ASSAM

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
TINSUKIA ASSAM

5:THE DEPUTY INSPECTOR OF SCHOOLS
SADIYA CHAPAKHOWA ASSAM

Linked Case : W.A. No.10160/2024 (Filing Number)

KAMESWAR BORUAH AND 20 ORS

VERSUS

THE STATE OF ASSAM 4 ORS H

For petitioner(s)/appellant(s) : Mr. N. Borah, Advocate

For respondent(s) : Ms. K. Das, Advocate

– BEFORE –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

18.12.2024

(Vijay Bishnoi, CJ)

The matter come upon for consideration of the present Interlocutory Application filed on behalf of the applicants with a prayer to condone the delay of 487 days occasioned in preferring the connected writ appeal.

Mr. N. Borah, learned Counsel appearing for the applicants has submitted that the learned Single Judge of this Court had decided a bunch of writ petitions by a common judgment and order and aggrieved with the same, some other employees, who are similarly situated to the present applicants/appellants, approached the Division Bench of this Court by way of filing WA No.188/2023 and other analogous writ appeals and the said writ appeals came to be disposed vide order dated 26.07.2024 passed by the Division Bench, whereby it was observed that in view of the subsequent decision of the State Government to consider the demand of the employees, who were, though appointed after 2005 but the recruitment process in respect of the concerned posts had started prior to January, 2005, it would be appropriate to dispose of the appeals awaiting the decision of the State Government on this issue.

The Division Bench had also made it clear that if the appellants failed to get any favourable decision from the State Government, they would be free to approach this Court by filing fresh writ petitions. The Division Bench also directed the State Government to take a decision expeditiously, preferably, within a period of 6(six) months from the date of receipt of a certified copy of the order.

Learned counsel for the applicants has submitted that the cases of the present applicants are similar to the appellants in writ appeal in WA No.188/2023 and analogous writ appeals.

Learned counsel appearing for the respondent State is not in a position to dispute the said factual position.

Heard the learned counsel appearing for the parties.

In the order dated 26.07.2024, the Division Bench held as under:

“In view of the above development, we are of the view that once the State Government has decided to consider the demand of the employees, who were though appointed after 2005 wherein, the recruitment process of the concerned posts were started prior to January, 2005, despite the order passed by the learned Single Judge, it would be appropriate to dispose of these appeals, awaiting the decision of the State Government on this issue. It is made

clear that if the appellants failed to get any favourable decision from the State Government, they are free to approach this Court again by filing fresh writ appeals. We hope that the Government shall take a decision expeditiously, preferably within a period of 6 (six) months from the date of receipt of a certified copy of this order.”

Having taken into consideration the above facts and circumstances of the case, we are of the view that the delay of 487 days, occasioned in filing the connected writ appeal, is liable to be condoned. Hence, the present application is allowed and the delay of 487 days in filing the connected writ appeal is condoned.

Registry is directed to register the connected writ appeal immediately.

Having taken note of the above facts and circumstances of the case, we are of the view that the connected writ appeal, preferred on behalf of the applicants, is liable to be disposed of in terms of the order dated 26.07.2024 passed by the Division Bench in WA No.188/2023 and other analogous writ appeals.

We hereby order that after registration of the connected writ appeal, the same be treated as disposed of in terms of the order dated 26.07.2024 passed by the Division Bench in WA No.188/2023 and other analogous writ appeals.

However, it is made clear that the time period of 6 (six) months, granted by this Court vide order dated 26.07.2024 passed in WA No.188/2023 and other analogous writ appeals, shall start in the case of the present applicants from the date of production of a certified copy of this order.

JUDGE

CHIEF JUSTICE

Comparing Assistant