

GAHC010226542024



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

Case No. : I.A.(Civil)/3849/2024

PRADIP DAS AND 11 ORS
S/O MOLOKA DAS,
RESIDENT OF NARAYANPUR WARD NO. 3, PO DIKRONG , DIST
LAKHIMPUR, ASSISTANT TEACHER OF TINTIA AHATGURI H.S SCHOOL,

2: KABIN BORUAH
S/O RAMESWAR BORUAH

RESIDENT OF VILLAGE NO. 2
KHALIHAMARI
PO HAWAJAN
DIST LAKHIMPUR
HEAD TEACHER OF NAMGILA L.P SCHOOL.

3: SMTI TORALI DOLEY
D/O ROMESH DOLEY

RESIDENT OF VILLAGE BORDEURI
PO BORDEURI
DIST LAKHIMPUR ASSISTANT TEACHER OF MAYAJYOTI L.P SCHOOL
AMALGAMATED.

4: SMTI. BOBI BORAH
W/O LATE KARUNA BORAH

RESIDENT OF VILLAGE DERGAYAN
PO PADMAPUR
DIST LAKHIMPUR
ASSISTANT TEACHER OF 3 NO. TATIBAHAR BAPUJI
L.P SCHOOL

5: SMTI PUSPA NEOG
W/O LATE NARAYAN CHABUKDHAR
RESIDENT OF VILLAGE SAKRAHI

PO DIKRONG
DIST LAKHIMPUR
ASSISTANT TEACHER OF MADHABDEV L.P SCHOOL

6: SMTI RUPA BORAH
W/O PRADIP PHUKAN
RESIDENT OF VILLAGE MADHUPUR
PO MADHUPUR
DIST. LAKHIMPUR
ASSISTANT TEACHER OF GARUBANDHA M.E SCHOOL.

7: TULARAM DEURI
S/O LATE PURUSUTTAM DEURI

RESIDENT OF VILLAGE BOR DEURI GAON PO BOR DEURI
DIST. LAKHIMPUR
ASSISTANT TEACHER OF BORDEORI JYOTI L.P SCHOOL.

8: SMTI. DHANAMAI NATUA SAIKIA
D/O RAMESWAR NATUA
RESIDENT OF VILLAGE SANKARPUR
PO MODHUPUR
DIST LAKHIMPUR
ASSISTANT TEACHER OF SHANTIJYOTI M.E SCHOOL.

9: SMTI DIPA BORUAH
D/O INDRESWAR BORUAH

RESIDENT OF VILLAGE JAMUNAKHAT
PO JORABARI
DIST LAKHIMPUR
ASSISTANT TEACHER OF NEHRU HIGHER SECONDARY SCHOOL

10: LALIT KR. BHUYAN
S/O LILA KNT BHUYAN

RESIDENT OF VILLAGE MERBIL
PO HARMUTTY
DIST LAKHIMPUR
ASSISTANT TEACHER OF DUBI SCHOOL.

11: PRANJIB KUMAR PEGU
S/O DHANESWAR PEGU

RESIDENT OF VILLAGE PANBARI
PO PANBARI
DIST LAKHIMPUR
ASSISTANT TEACHER OF NATUN CHUBA L.P SCHOOL.

12: BAPUL DOLEY
S/O LATE BOKBOR DOLEY

RESIDENT OF VILLAGE LIGIRAMUKH CHANONG GAON
PS DATAKATA
DIST LAKHIMPUR
ASSAM ASSISTANT TEACHER OF KALANI M.E SCHOOL

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, EDUCATION (ELEMENTARY) DEPARTMENT, DISPUR
GUWAHATI 06

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA GUWAHATI 19

3:THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM

FINANCE DEPARTMENT
DISPUR GUWAHATI 06

4:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM

FINANCE DEPARTMENT
DISPUR GUWAHATI 06

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER

LAKHIMPUR
DIST LAKHIMPUR
ASSAM 78400

For the Applicant(s) : Mr. N. Borah, Advocate.
For the Respondent(s) : Mr. N.J. Khataniar, Standing Counsel,
Elementary Education Department.

– BEFORE –

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

11.12.2024

(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 537 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 537 days, occasioned in filing the connected writ appeal, is liable to be condoned. Hence, the present application is allowed and the delay of 537 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