

GAHC010275822023



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

Case No. : I.A.(Civil)/3846/2023

ABU SALEH SHARIF UDDIN
S/O- LT. ABDUL JOLIL, VILL- KURSHAKATI, P.O. AOLATOLI, P.S.
LAKHIPUR, DIST.- GOALPARA, ASSAM, PIN- 783129

VERSUS

HANIF UDDIN AND 8 ORS
S/O- LT. FAJIL ALI, VILL- KURSHAKATI, P.O. AOLATOLI, P.S. LAKHIPUR,
DIST.- GOALPARA, ASSAM 783129

2:THE STATE OF ASSAM
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM
ELEMENTARY EDUCATION DEPTT.
DISPUR
GHY-06

3:THE STATE LEVEL SCRUTINY COMMITTEE
REP. BY THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GHY-19

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

5:THE DY. COMMISSIONER GOALPARA-CUM-CHAIRMAN DISTRICT
LEVEL SCRUTINY COMMITTEE (DLSC)

GOALPARA
ASSAM

6:THE DISTRICT ELEMENTARY EDUCATION OFFICER
GOALPARA
ASSAM

7:THE BLOCK ELEMENTARY EDUCATION OFFICER
LAKHIPUR
DIST.- GOALPARA
ASSA

Advocate for the Petitioner : MR. M A SHEIKH

Advocate for the Respondent : GA, ASSAM

Linked Case :

ABU SALEH SHARIF UDDIN

VERSUS

HANIF UDDIN AND 8 ORS (E)

Advocate for : MR. M A SHEIKH
Advocate for : appearing for HANIF UDDIN AND 8 ORS (E)

BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 03/06/2024
Vijay Bishnoi, CJ

Heard Mr. M.A. Sheikh, learned counsel appearing for the applicant. We have also heard Mr. A.M. Khan, learned counsel appearing for the respondent no.1. Mr. N. Das, Government Advocate,

Assam and Mr. R. Mazumdar, learned Standing Counsel, Elementary Education Department, Assam, are present on behalf of the official respondents.

The matter comes upon for consideration of the IA(C) No. 3846/2023 with the prayer to condone the delay of 337 days in filing the connected appeal.

The learned counsel for the applicant has submitted that as a matter of fact, he has engaged a counsel to appear for the applicant before the learned Single Judge at the time of hearing of the Writ Petition (C) No. 7749/2022. However, after the decision in the said writ petition on 02/12/2022, the counsel who was engaged by him has not informed him about the said decision. The learned counsel has submitted that as a matter of fact, the appellant had no intention to cause delay in filing the appeal. However, due to unavoidable circumstances, the appeal could not be filed within time.

Learned counsel for the respondent no.1 has vehemently opposed the prayer for condonation of delay and has argued that as a matter of fact, the appellant was aware of the decision impugned and he has failed to satisfactorily explain the delay in filing the connected appeal.

Having heard the learned counsel for the parties and after going through the contents of the application, we are satisfied that the applicant has sufficiently explained the delay. Hence, the delay of 337 days in filing the connected appeal is condoned.

Registry is directed to register the connected appeal and list the same before this Court for admission, after 2 (two) weeks.

IA stands disposed of.

JUDGE

CHIEF JUSTICE

sukhamay

Comparing Assistant