GAHC020007082023

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

Case No. : I.A.(Civil)/150/2023

THE STATE OF NAGALAND AND 4 ORS
THROUGH THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND

VERSUS

SMTI. B CAROLYN IMCHEN
GRADUATE TEACHER, GMS, TEACHERS COLONY
MOKOKCHUNG NAGALAND
DIMAPUR NAGALAND

Advocate for the Petitioner : GOVT ADV NL

Advocate for the Respondent :

Linked Case : WA/13/2023

THE STATE OF NAGALAND AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND

VERSUS

SMTI. B. CAROLYN IMCHEN
GRADUATE TEACHER
GMS
TEACHERS COLONY
MOKOKCHUNG
NAGALAND
DIMAPUR NAGALAND

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF NAGALAND
DEPARTMENT OF SCHOOL EDUCATION
NAGALAND KOHIMA
3:THE PRINCIPAL DIRECTOR
DEPARTMENT OF SCHOOL EDUCATION
NAGALAND KOHIMA
4:THE DIRECTOR
DEPARTMENT OF SCHOOL EDUCATION
5:THE SUB-DIVISIONAL EDUCATION OFFICER
MOKOKCHUNG
NAGALAND

Advocate for : GOVT ADV NL
Advocate for : TONGPOK PONGENER appearing for SMTI. B. CAROLYN IMCHEN

Linked Case : I.A.(Civil)/151/2023

THE STATE OF NAGALAND AND 4 ORS
THROUGH THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND

VERSUS

SMTI. B CAROLYN IMCHEN
GRADUATE TEACHER
GMS TEACHERS COLONY
MOKOKCHUNG NAGALAND
DIMAPUR NAGALAND

Advocate for : GOVT ADV NL
Advocate for : appearing for SMTI. B CAROLYN IMCHEN

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

21.02.2024
(Devashis Baruah, J)

The instant application has been filed by the applicants seeking

condonation of delay of 186 (one hundred and eighty six) days in filing the accompanying writ appeal.

This Court have duly perused the writ appeal and from the contents thereof and the reliefs so claimed it reveals that the appeal is directed against the Judgment and Order dated 28.06.2022, passed in WP(C)/61/2020, whereby there was a direction to consider the case of the writ petitioner for regularization on the basis of an Office Memorandum dated 18.02.2004. Thereupon the record reveals that there was a contempt proceedings initiated for non-compliance to the Order dated 28.06.2022. Subsequent thereto, on 01.06.2023, a review application was filed, which was registered as Review Pet./3/2023. Thereupon, the said review application was dismissed by an Order dated 31.10.2023. The record further reveals that on 05.12.2023 the accompanying writ appeal was filed.

Taking into account that the appellants herein have explained the grounds for which there has been a delay of 186 (one hundred and eighty six) days in preferring the instant appeal we are of the opinion that the same constitutes a sufficient cause within Section 5 of the Limitation Act and accordingly, condone the delay.

The I.A. accordingly stands disposed.

The Registry is directed to list the accompanying appeal on next Wednesday, i.e. **28.02.2024**.

Sd/-
JUDGE

Sd/-
JUDGE

Comparing Assistant