GAHC010052992026

2026:GAU-AS:17259-DB

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

Case No. : I.A.(Civil)/931/2026

RATUL CHANDRA BHUYAN AND 4 ORS.
S/O SRI PRAKASH CHANDRA BHUYAN, R/O BAGIRIBARI, B1 BLOCK, P.S.- BARBARI, PIN-781372, DIST.- BARPETA

2: HEMEN CHANDRA KALITA
S/O LT. KESHAB CHANDRA KALITA
R/O VILL. SARU MANIKPUR
P.O.- SARU MANIKPUR PIN-781329
DIST.- BAKSA

3: DEEPJYOTI NATH
S/O SRI KISHORI NATH
R/O VILL.- 1 NO. GALIYA HATI
P.O AND P.S.- BARPETA
PIN-781301
DIST.- BARPETA

4: KULEN DAS
S/O LT. BIJAL KUMAR DAS
R/O DIHATI
WARD NO. 12
P.O. AND P.S.- BARPETA
PIN-781301
DIST.- BARPETA

5: FULL KUMAR SARKAR
S/O NANI GOPAL SARKAR
R/O VILL.- PAKABETBARI
P.O.- JARABANI
PIN- 781314
DIST.- BARPETA
ASSA

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM, HEALTH AND FAMILY WELFARE (A) DEPARTMENT, DISPUR, GUWAHATI-781006, ASSAM

2:THE SECRETARY
HEALTH AND FAMILY WELFARE (A) DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE DIRECTOR OF HEALTH SERVICES
HENGRABARI
GUWAHATI-781036
KAMRUP (M)
ASSAM

4:THE JOINT DIRECTOR OF HEALTH SERVICES
BARPETA
ASSAM
PIN-781301

5:THE SCREENING COMMITTEE
REPRESENTED BY THE CHAIRMAN (ADDITIONAL DIRECTOR OF HEALTH SERVICES)
HENGRABARI
GUWAHATI-3

Advocate for the Petitioner : MR. R P SARMAH, MS A DEKA,MR. D DOLEY

Advocate for the Respondent : SC, HEALTH,

Linked Case : CRP/0/0

RATUL CHANDRA BHUYAN
ASSAM

VERSUS

THE STATE OF ASSAM
ASSAM

Advocate for : DEBASISH DOLEY
Advocate for : appearing for THE STATE OF ASSAM

-BEFORE-

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

23.11.2026
(K. Goswami, J)

We have heard Mr. R.P. Sharma, learned Senior Advocate assisted by Mr. D. Doley and Ms. A. Deka, learned Advocates for the applicants and Mr. B. Gogoi, learned Standing counsel, Health Department for the respondents.

2. By way of the present interlocutory application filed under Section 5 of the Limitation Act, 1963, the applicants seek condonation of a delay of 883 days in preferring the connected appeal against the common judgment and order dated 29.09.2023, passed by the learned Single Judge of this Court in WP(C) No. 8668/2019.

3. The explanation furnished by the applicants is that they had no knowledge of the dismissal of the writ petition until 31.01.2026, when a news item published in the Assamese daily newspaper *Pratidin Time* reported the disposal of certain writ petitions involving similarly situated employees, wherein this Court had granted relief.

4. It is further stated that the applicants are residents of different and remote areas of Barpeta District and belong to economically disadvantaged backgrounds, being petty farmers or persons engaged in

small occupations. Owing to their financial constraints and geographical limitations, they were unable to maintain regular communication either amongst themselves or with their erstwhile advocate. It has been specifically pleaded that nine of the applicants had received no intimation regarding the judgment and consequently, remained unaware of the dismissal of the writ petition.

5. Upon learning of the dismissal through the aforesaid newspaper report, the applicants contacted their erstwhile advocate and thereafter approached the present learned Senior Advocate for appropriate legal recourse. An application for obtaining a certified copy of the judgment and order was filed on 07.03.2026 and the connected appeal was preferred upon receipt of the certified copy, without any further delay.

6. *Per contra,* learned advocate appearing for the respondents vehemently opposed the prayer for condonation of delay, contending that the explanation furnished was insufficient. It was argued that the application contained only bald assertions and generalized excuses, without disclosing specific and verifiable dates or explaining the prolonged inaction on the part of the applicants in preferring the connected appeal.

7. We have heard learned advocates appearing for the parties and carefully perused the grounds urged in support of the application.

8. There is no dispute that the delay in preferring the connected appeal is substantial. However, the length of delay, by itself, is not determinative of whether it should be condoned. What requires

consideration is the sufficiency of the explanation and the *bona fides* of the party seeking condonation. The approach of the Court in such matters ought to be liberal and pragmatic, with a view to advancing substantial justice [Refer to ***N. Balakrishnan v. M. Krishnamurthy* :: *(1998) 7 SCC 123***].

9. In the present case, the applicants have categorically stated that they were unaware of the dismissal of the writ petition and came to know of it only upon publication of the newspaper report on 31.01.2026. Their financial difficulties, geographical isolation and inability to maintain regular communication with their erstwhile advocate lend support to their explanation. It is also significant that nine of the applicants specifically claim to have received no intimation regarding the dismissal.

10. The applicants have further stated that upon acquiring knowledge of the judgment, they promptly sought legal assistance and took steps to obtain a certified copy thereof. The application for the certified copy was filed on 07.03.2026, following which the connected appeal was preferred without further delay.

11. Having regard to the cumulative effect of these circumstances, particularly the socio-economic background of the applicants, their geographical constraints and the specific plea of non-communication of the judgment, we are satisfied that the applicants have furnished a plausible and *bona fide* explanation for the delay. There is nothing on record, at this stage, to suggest that the delay was deliberate or intentional. On the contrary, the steps taken by the applicants upon

acquiring knowledge of the dismissal indicate their intention to pursue the available legal remedy.

12. In the peculiar facts and circumstances of the case, refusal to condone the delay would result in shutting out the connected appeal at the threshold, without affording an opportunity to examine its merits. Such an outcome would not serve the ends of substantial justice. We are, therefore, satisfied that sufficient cause has been shown for condoning the delay.

13. Accordingly, the delay of 883 days in preferring the connected appeal is hereby condoned.

14. The interlocutory application stands allowed and is accordingly disposed off.

15. The Registry shall process the connected appeal and list the same **on 27.01.2027**, under the appropriate heading.

JUDGE **CHIEF JUSTICE**

Comparing Assistant