GAHC010110162026

2026:GAU-AS:17493-DB

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

Case No. : I.A.(Civil)/1960/2026

PANKAJ KALITA AND 4 ORS.
S/O JAYKANTA KALITA, R/O VILL- GOHAIN GAON, P.O.- KAMARBANDHA ALI, DIST.- GOLAGHAT, ASSAM, PIN- 785625

2: PUSHPANJALI GOGOI
D/O SRI PRADIP GOGOI
R/O P.S.- DERGAON
DIST.- GOLAGHAT
ASSAM
PIN- 785621

3: DULAL HAZARIKA
S/O NANDESHWAR HAZARIKA
R/O P.O. AND P.S.- DERGAON
DIST.- GOLAGHAT
ASSAM
PIN- 785621

4: TULIKA HAZARIKA
W/O SRI AMAL DUTTA
R/O P.O. AND P.S.- GOLAGHAT
DIST.- GOLAGHAT
ASSAM
PIN- 785621

5: NEKIBUR ROHMAN
S/O LATE MUZIBUR RAAHMAN
R/O VILL- DEHAJAN
P.O. AND P.S.- DEMOW

DIST.- SIVASAGAR
ASSAM
PIN- 78566

VERSUS

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

2:THE SECRETARY TO THE GOVERNMENT OF ASSAM
HEALTH AND FAMILY WELFARE DEPARTMENT
DISPUR
GUWAHATI- 781006
ASSAM.

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

4:THE JOINT DIRECTOR OF HEALTH SERVICES
GOLAGHAT
ASSAM.

5:THE SCREENING COMMITTEE
REPRESENTED BY THE CHAIRMAN (ADDITIONAL DIRECTOR OF HEALTH SERVICES)
HENGRABARI
GUWAHATI-781036
ASSA

Advocate for the Petitioner : MR. D DEKA, MR N ALI,MR I HUSSAIN

Advocate for the Respondent : SC, HEALTH,

Linked Case : LPA/Sp.A/0/0

PANKAJ KALITA
S/O JAYKANTA KALITAR/O VILL. GOHAIN GAONP.O. KAMARBANDHA
ALIGOLAGHAT 785625

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
HEALTH AND FAMILY WELFARE DEPARTMENT
DISPUR
GUWAHATI-781006
ASSAM.

Advocate for : DAMODAR DEKA
Advocate for : appearing for THE STATE OF ASSAM

-BEFORE-

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

25.11.2026
(K. Goswami, J)

We have heard Mr. R. Sarma, learned Senior Advocate assisted by Mr. D. Deka, learned Advocate for the applicants and Mr. D. Gogoi, learned Additional Advocate General, Assam for the respondents.

2. By way of the present interlocutory application, the applicant seeks condonation of a delay of 945 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. 8422/2019 and other connected writ petitions.

3. The grounds urged in support of the interlocutory application are that the applicants hail from different districts of the State of Assam and reside in remote areas. It is stated that, after the judgment and order dated 29.09.2023 was passed, the applicants approached their engaged advocate, who advised them that an appeal would be preferred and that they would be apprised of its progress. Despite making enquiries from time to time, the applicants allegedly received no information regarding the filing of the appeal for a considerable period. On subsequently visiting the advocate's office, they were advised to obtain a certified copy of the impugned judgment and order and to furnish the necessary documents for preparation of the appeal. It is further stated that, having regard to the voluminous pleadings in the writ petition, considerable time was required to collect and arrange the relevant documents. According to the applicants, the appeal could be prepared and filed only on 01.06.2026, after the requisite documents had been furnished to their advocate. The applicants have also pleaded that, following their removal from service, they were facing acute financial hardship, which further contributed to the delay. On these grounds, they contend that the delay was neither deliberate nor intentional and that sufficient cause has been made out for its condonation.

4. Opposing the prayer, learned counsel for the respondents submits that the explanation offered is vague and unsupported by any

specific particulars. It is contended that the applicants have failed to disclose the dates on which they approached their advocate, the steps allegedly taken thereafter, or any other circumstances that would satisfactorily account for the prolonged period of inaction. According to the respondents, the explanation consists merely of general assertions and cannot constitute sufficient cause for condonation of such an inordinate delay.

5. We have considered the rival submissions and examined the explanation furnished by the applicants in support of the prayer for condonation of delay.

6. The settled position in law is that the length of delay, by itself, is not decisive; what matters is whether the explanation offered constitutes sufficient cause. The expression "sufficient cause" is to be construed liberally, with a view to advancing substantial justice. Such liberal construction, however, does not dispense with the requirement that the explanation must be reasonable and bona fide [Refer to ***N. Balakrishnan v. M. Krishnamurthy*** **::** ***(1998) 7 SCC 123***].

7. In the present case, the applicants were aware of the impugned judgment and order dated 29.09.2023 and had, by their own account, approached their engaged advocate with instructions to prefer an appeal. Yet, the appeal came to be filed only on 01.06.2026, after a delay of 945 days. The explanation offered does not satisfactorily account for this prolonged delay.

The applicants have referred to their visits to the advocate's office,

their enquiries regarding the status of the appeal and the time taken to collect the necessary documents. However, no specific dates or particulars have been furnished to indicate when these steps were taken or how the intervening period of nearly 945 days was spent. The mere assertion that the pleadings were voluminous and that the applicants resided in remote areas does not, in the absence of further particulars, explain the substantial period of inaction.

It is true that a litigant should not ordinarily be made to suffer for the lapse of an advocate. However, such a plea cannot, by itself, justify condonation of delay, particularly when the explanation lacks the particulars necessary to establish that the applicants acted with due diligence. If, as claimed, the advocate had failed to take steps despite being instructed to do so, it is also difficult to understand why the applicants continued to rely upon the same advocate without taking any effective steps to ascertain the status of the proposed appeal or to secure its filing through other means.

The plea of financial hardship, though a circumstance deserving consideration, also does not explain the entire period of delay. Taken together, the grounds urged by the applicants fall short of furnishing a convincing and satisfactory explanation for the delay in approaching this Court.

8. In the absence of a proper explanation accounting for the delay, we are unable to hold that the applicants have established sufficient cause within the meaning of the law. The prayer for

condonation of delay, therefore, deserves to be rejected.

9. Accordingly, the interlocutory application stands dismissed.

10. Consequently, the connected appeal, which is yet to be registered, also stands dismissed.

JUDGE **CHIEF JUSTICE**

Comparing Assistant