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2026:GAU-AS:16717-DB

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

Case No. : I.A.(Civil)/2514/2026

THE STATE OF ASSAM AND ANR.
REPRESENTED BY THE COMMISSIONER SECRETARY TO THE GOVT. OF ASSAM, HIGHER EDUCATION DEPARTMENT, DISPUR, GUWAHATI - 781006

2: THE DIRECTOR OF HIGHER EDUCATION
ASSAM
KAHILIPARA
KAMRUPM
GUWAHATI781019

VERSUS

AMRITA DUTTA AND 4 ORS.
W/O- SRI SUBIT DUTTA, R/O H.NO. L-5, UDAYACHAL LANE, NATIONAL HIGHWAY, P.O.- SILCHAR, DIST.- CACHAR, ASSAM, PIN- 788005

2:THE PRINCIPAL
GURUCHARAN COLLEGE
SILCHAR
CACHAR
ASSAM- 788004.

3:THE GOVERNING BODY
GURUCHARAN COLLEGE
REPRESENTED BY THE PRESIDENT OF THE GOVERNING BODY
CACHAR
ASSAM- 788004

4:THE SELECTION COMMITTEE
REPRESENTED BY THE CHAIRPERSON
GURUCHARAN COLLEGE
SILCHAR ASSAM-788004.

5:SATYEN GUHA MAZUMDAR
ASSISTANT PROFESSOR
DEPARTMENT OF COMMERCE
GURUCHARAN COLLEGE
SILCHAR
ASSAM- 788004

Advocate for the Petitioner : MR. A R TAHBILDAR, MR. K GOGOI

Advocate for the Respondent : ,

-BEFORE-

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

13.11.2026
(K. Goswami, J)

We have heard Mr. S. Das, learned Standing Counsel for the applicants. None appears for the respondent Nos. 1 to 5 on call.

2. The Office Note dated 25.09.2026 indicates that the notices issued to Respondent Nos. 1 to 5 have been duly received by the In-charge staff of the concerned college. Accordingly, service of notice upon the respondent college is deemed to have been duly effected.

3. By way of this interlocutory application filed under Section 5 of the Limitation Act, the applicants seek condonation of delay of 86 days in preferring the connected appeal against the judgment and order dated 19.03.2026, passed by a learned Single Judge of this Court in WP(C) No.610/2024.

4. The learned Standing Counsel appearing for the applicants submits that although the judgment and order was pronounced on 19.03.2026, the same was uploaded on the official website of this Court only during

the first week of April, 2026. The certified copy thereof was obtained on 08.04.2026 and forwarded to the Higher Education Department on 09.04.2026. Thereafter, the Department sought a legal opinion from its Standing Counsel, which was furnished on 13.04.2026, recommending the filing of an appeal. It is further submitted that the matter was required to undergo the requisite administrative process involving various authorities, pursuant to which approval for filing the appeal was communicated only on 09.06.2026. The appeal was thereafter prepared and made ready for filing on 23.06.2026. However, owing to the commencement of the summer vacation of this Court w.e.f. 24.06.2026, the Standing Counsel's visit to his native village for personal reasons and his subsequent illness and physical weakness, the appeal could not be filed immediately. It is contended that the appeal was ultimately filed upon the reopening of this Court after the summer vacation. The applicants, therefore, submit that the delay in filing the appeal was neither deliberate nor attributable to any willful negligence or laches on their part. Accordingly, it is contended that sufficient cause has been shown for condonation of the delay in the interest of justice.

5. We have considered the explanation furnished by the applicants and the submissions advanced by learned counsel for the parties. We are satisfied that the delay in preferring the connected appeal has been sufficiently explained. The explanation, which includes the time taken in obtaining the certified copy, securing the requisite administrative approval and taking subsequent steps for filing the appeal, appears to be *bona fide*. We are, therefore, of the view that sufficient cause has

been shown for condoning the delay.

6. Accordingly, in the interest of justice, the delay of 86 days in filing the connected appeal is hereby condoned.

7. The interlocutory application stands allowed and disposed off.

8. Registry to process the connected appeal and list the same on **18.01.2027**, under the appropriate heading.

JUDGE **CHIEF JUSTICE**

Comparing Assistant