GAHC010189902026

2026:GAU-AS:16319-DB

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

Case No. : I.A.(Civil)/3352/2026

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE COMMISSIONER SECRETARY TO THE GOVERNMENT OF ASSAM, DEPARTMENT OF SCHOOL EDUCATION, DISPUR, GUWAHATI-6.

3: THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19.

4: THE DISTRICT ELEMENTARY EDUCATION OFFICER
BONGAIGAON
P.O. BONGAIGAON
DISTRICT-BONGAIGAON
ASSAM.

5: THE TREASURY OFFICER
BONGAIGAON
P.O. BONGAIGAON
DISTRICT-BONGAIGAON
ASSA

VERSUS

SHRI DEBDUT NATH AND 2 ORS.
S/O LATE CHINTA HARAN NATH, RESIDENT OF VILLAGE-BONGAIGAON, WARD NO. 8, P.O. BONGAIGAON, DISTRICT-BONGAIGAON, ASSAM, WORKING AS ASSISTANT TEACHER OF VIVEKANANDA VIDYAPEETH M.E. SCHOOL, BONGAIGAON. ASSAM

2:SHRI NAKUL CHANDRA DEY
S/O LATE RADHA BINOD DEY
RESIDENT OF VILLAGE P.O. BONGAIGAON
DISTRICT-BONGAIGAON

ASSAM
WORKING AS ASSISTANT TEACHER OF NEW BONGAIGAON M.E. SCHOOL
BONGAIGAON.

3:THE COMMISSIONER SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
SACHIVALAYA
DISPUR
GUWAHATI-6

Advocate for the Petitioner : MR. N J KHATANIAR, MR. S CHUTIA

Advocate for the Respondent : SC, FINANCE DEPTT., S KASHYAP,MS. I DAS

Linked Case : CRP/0/0

THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER SECRETARY TO THE
GOVERNMENT OF ASSAM
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DISPUR
GUWAHATI-6.

2: THE DIRECTOR OF ELEMENTARY EDUCATION
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GUWAHATI-19.

3: THE DISTRICT ELEMENTARY EDUCATION OFFICER
BONGAIGAON
P.O. P.S. BONGAIGAON
DISTRICT BONGAIGAON
ASSAM
PIN-783380.

4: THE TREASURY OFFICER
BONGAIGAON
P.O. P.S. BONGAIGAON
DISTRICT BONGAIGAON
ASSAM
PIN-783380.
VERSUS

SHRI DEBDUT NATH
S/O LATE CHINTA HARAN NATH
RESIDENT OF BONGAIGAON
WARD NO. 8
P.O. P.S. BONGAIGAON
DISTRICT BONGAIGAON
ASSAM
WORKING AS ASSISTANT TEACHER OF VIVEKANANDA VIDYAPEETH M.E. SCHOOL
BONGAIGAON.

2:SHRI NADUL CHANDRA DEY
S/O LATE RADHA BINOD DEY
RESIDENT OF BONGAIGAON
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P.O. P.S. BONGAIGAON
DISTRICT BONGAIGAON
ASSAM
WORKING AS ASSISTANT TEACHER OF NEW BONGAIGAON M.E. SCHOOL
BONGAIGAON

3:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
SACHIVALAYA
DISPUR
GUWAHATI-781006
ASSAM PROFORMA RESPONDENT.

Advocate for : MR. NAYAN JYOTI KHATANIAR
Advocate for : appearing for SHRI DEBDUT NATH

-BEFORE-

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

06.11.2026
(K. Goswami, J)

We have heard Mr. N. J. Khataniar, learned Advocate for the applicants and Ms. I. Das, learned Advocate for the respondent No. 1.

2. By way of this interlocutory application filed under Section 5 of the

Limitation Act, 1963, the applicants seek condonation of delay of 3 days in preferring the connected appeal against the order dated 28.07.2025 passed by a learned Single Judge of this Court in WP(C) No.6667/2010.

3. The learned Advocate appearing for the applicants submits that pursuant to the Judgment and Order dated 28.07.2025 passed in WP(C) No. 6667/2010, the Department initiated the process of examining the matter and called for a detailed factual report from the Director of Elementary Education, Assam, which was received only on 27.02.2026, following issuance of reminders. Upon examination of the report and the records, the Department, on 23.04.2026, requested the learned Senior Standing Counsel to take necessary steps for preferring an appeal. Thereafter, upon receipt of the relevant case records in the first week of May 2026, the matter was entrusted to the Standing Counsel, who prepared the appeal and forwarded the same for vetting in the last week of June 2026. It is contended that the delay in filing the appeal occurred due to administrative procedures, inter-departmental consultations, examination of records and obtaining necessary legal opinion and approvals and that the same was neither intentional nor deliberate but occasioned by unavoidable administrative circumstances.

4. *Per contra*, learned Advocate appearing for the respondent No. 1 objected to the condonation of delay on the ground of the same being not sufficiently explained.

5. Having considered the averments made in the interlocutory

application and the explanation furnished by the applicants, we are of the considered opinion that the delay in preferring the appeal has been sufficiently explained. The sequence of events, including the requisition of the factual report, examination of the relevant records and the subsequent steps taken for obtaining legal opinion and preparing the appeal, indicate that the delay was occasioned by *bona fide* administrative exigencies and not on account of any deliberate or willful negligence on the part of the applicants. Accordingly, the explanation furnished appears to be reasonable, satisfactory and *bona fide*, warranting condonation of the delay in the interest of justice.

6. Resultantly, in the interest of justice, the delay of 3 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 **27.01.2027**, under the appropriate heading.

JUDGE **CHIEF JUSTICE**

Comparing Assistant