GAHC010234772026

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

Case No. : I.A.(Civil)/3760/2026

ASHAN ALI
SON OF JAHIR UDDIN
R/O. VILLAGE- BALARPET
POST OFFICE- TILAPUKHURI
DISTRICT- BONGAIGAON, ASSAM-78338

VERSUS

NUR MAHAMMAD SARKER AND ORS.
SON OF LATE ABDUL MOZID SARKAR
VILLAGE- BASHBARI NO. 1
POST OFFICE-SALABILA.
POLICE STATION - MANIKPUR, DISTRICT- BONGAIGAON, ASSAM 783392

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM
EDUCATION ELEMENTARY DEPARTMENT
DISPUR
GUWAHATI - 06.

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

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
BONGAIGAON
ASSAM 783380

5:THE DY COMMISSIONER
BONGAIGAON

ASSAM-783380

6:THE HEAD MASTER
BALARPET ADARSHA M.E. MADRASSA VILLAGE- BALARPET
POST OFFICETILAPUKHURI DISTRICT - BONGAIGAON
ASSAM 783384

7:THE HEAD MASTER TILPUKHURI
M.E. MADRASSA VILL- TILPUKHURI POST OFFICE-TILPUKHURI DISTRICT BONGAIGAON
ASSAM- 7833

Advocate for the Petitioner : MR. M K MISRA,

Advocate for the Respondent : MR. M DUTTA,

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date :02.11.2026

Heard Mr. M K Mishra, learned Counsel for the applicant. Also heard Mr. L Deka, learned Counsel appearing for the Opposite Party No. 1.

The present Interlocutory Application has been instituted praying for correction of an inadvertent typographical error occasioning in the second line of paragraph 21 of the judgment and order dated 24.08.2026, passed by this Court in WP(C) No. 2249/2021.

I have heard the learned Counsel for the parties and perused the materials available on record.

This Court, in paragraph 21 of the said judgment and order dated 24.08.2026, had passed the following directions :

> "*21. Although, this Court had interfered with the appointment made in respect of the respondent no.6, this Court provides that the salaries drawn by the petitioner be not recovered. Further, it is provided that it would be open to the Government to continue with the services of the respondent no.6, considering the fact that he is rendering his services since 05.02.2021, and he was in no way responsible for the provincialisation of his services. Accordingly, for the purpose of protecting the services of the respondent no.6, herein, the Government, shall consider allotting a further post to the school, in question, and the services of the respondent no.6, be accommodated, there against. However, the consideration now directed to be made in respect of respondent no.6, should not be so made at the cost of the service interest of the petitioner, herein.*"

A perusal of the directions passed by this Court in paragraph 21 of judgment and order dated 24.08.2026, would go to reveal that this Court, upon interfering with the appointment made in respect of "**respondent No. 6**", had provided that the salaries drawn by the '**petitioner**', be not recovered. The said direction is erroneous, inasmuch as, the salaries of the drawn by the respondent No. 6, was to be directed to be not recovered. Accordingly, the word '**petitioner**' occasioning in the first line of paragraph 21, be read as '**respondent No. 6**'.

With the above clarification, the present Interlocutory Application stands disposed of.

It is provided that the present order, be read, along with the judgment and order dated 24.08.2026, for all intent and purpose.

JUDGE

Comparing Assistant