

GAHC010010942024



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

Case No. : WP(C)/325/2024

M/S SARMA ART COTTAGE AND ANR
A PROPRIETORSHIP FIRM HAVING ITS REGISTERED OFFICE AT
KAHILIPARA NARAKASUR, NEAR NARAKASUR HIGH SCHOOL, HOUSE
NO. 63, BALI RAM TERON PATH, GUWAHATI-19, DULY REPRESENTED BY
ITS SOLE PROPRIETOR DIPAK SARMAH

2: DIPAK SARMAH
PROPRIETOR OF M/S SARMA ART COTTAGE
S/O LATE DHURJYOTI SARMAH
R/O KAHILIPARA NARAKASUR
NEAR NARAKASUR HIGH SCHOOL
HOUSE NO. 63 BALI RAM TERON PATH
GUWAHATI-19 DIST- KAMRUP (M) ASSAM

VERSUS

THE STATE OF ASSAM AND 8 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
ELEMENTARY EDUCATION DEPARTMENT, DISPUR, GUWAHATI-781006

2:AXOM SARVA SIKSHA ABHIYAN MISSION
REPRESENTED BY THE MISSION DIRECTOR
KAHILIPARA GUWAHATI-781019

3:THE EXECUTIVE DIRECTOR
SAMAGRA SIKSHA
IN THE OFFICE OF THE AXOM SARVA SIKSHA ABHIYAN MISSION
KAHILIPARA
GUWAHATI-781019
ASSAM

4:THE CHIEF EXECUTIVE DIRECTOR
AXOM SARVA SIKSHA ABHIYAN MISSION
KAHILIPARA

GUWAHATI-781019

5:THE FINANCE DEPARTMENT
GOVERNMENT OF ASSAM
DISPUR
GUWAHATI-06

6:KANDARPA KUMAR KALITA
STATE PROGRAMME OFFICER
AXOM SARVA SIKSHA ABHIYAN MISSION
KAHILIPARA
GUWAHATI-781019

7:MS. SUMI BORTHAKUR
STATE PROGRAMME OFFICER
AXOM SARVA SIKSHA ABHIYAN MISSION
KAHILIPARA
GUWAHATI-781019

8:REBATI MOHAN KAKATI
STATE PROGRAMME OFFICER
AXOM SARVA SIKSHA ABHIYAN MISSION
KAHILIPARA
GUWAHATI-781019

Advocate for the Petitioner : MS. B BHUYAN, MR J DAS,MS B BORA,MR. A K BHUYAN

Advocate for the Respondent : SC, ELEM. EDU, MS. PADMINI BARUA (R-7),MS. RUKMINI BARUA(R-7),MR. A NARZARI (r-8),SC, SSA,SC, FINANCE

BEFORE

HON'BLE MR. JUSTICE RAJESH MAZUMDAR

ORDER

03.12.2025

Heard Ms B Bhuyan, learned Senior Counsel assisted by Ms R Das, learned counsel for the petitioners. Also heard Mr B Choudhury, learned counsel appearing for the respondent Nos. 2, 3 and 4; and Ms R Baruah, learned counsel appearing on behalf of the respondent No. 7.

2. Ms Bhuyan, learned Senior Counsel for the petitioner has submitted that the

affidavit-in-opposition filed by the respondent Nos. 2, 3, 4 and respondent No. 7, do not specifically deny the receipt of the material asserted to have supplied by the petitioner for the *Gunotsav Guidelines 2022*.

3. The learned Senior Counsel has also submitted that in the affidavit-in-opposition, the assertion of receipt of the bills by the officials of the *Sarva Siksha Abhiyan* has not been denied.

4. We have gone through the contents of the affidavits filed by the respondent Nos. 2, 3, 4 and 7.

5. Ms B Bhuyan, learned Senior Counsel has agreed to instruct the assisting counsel to supply clear, legible copies of the bills annexed to the writ petition to the learned counsels appearing for the respondent Nos. 2, 3, 4 and 7, within a period of 1 (one) week from today.

6. The contesting respondents may, thereafter file a comprehensive affidavit dealing with the allegations levelled in the writ petition and also their stand on the receipts otherwise of the bills, which are asserted to have been submitted by the petitioner.

7. It is noticed that it has been deemed that the service of notice on the respondent No. 9 is complete as per order dated 24.04.2024 of the *Lawazima* Court. However, there is no appearance on behalf of the respondent No. 9 before this Court, till date.

8. Learned counsel appearing on behalf of the respondent Nos. 2, 3 and 4 is requested to inform the respondent No. 9, regarding the pendency of this litigation, wherein the respondent No. 9 will also be entitled to file her response.

9. List this matter again on 29th of January, 2026, along with the affidavits required to be filed by the respondent Nos. 2, 3, 4, 7 and 9.

JUDGE

Comparing Assistant