

GAHC010018502026



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

Case No. : WP(C)/834/2026

MITHU NATH
S/O.- LT. MANKUMAR NATH,
VILL.-TAPANG PART-II, P.O.- CHIBITABICHIA, P.S. SILCHAR SADAR, DIST.-
CACHAR, ASSAM, PIN.-788150.

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, DEPARTMENT OF HOME AFFAIRS, DISPUR,
GUWAHAT- 6.

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM.
PERSONAL (B) DEPARTMENT
DISPUR
GUWAHATI-781006.ASSAM.

3:THE STATE LEVEL COMMITTEE (SLC) FOR COMPASSIONATE
APPOINTMENT
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM
DISPUR
GUWAHATI-781006
ASSAM.

4:THE DISTRICT LEVEL COMMITTEE (DLC) FOR COMPASSIONATE
APPOINTMENT
HAILAKANDI
REPRESENTED BY THE DEPUTY COMMISSIONER
HAILAKANDI DISTRICT
ASSAM

PIN- 788151.

5:THE SUPERINTENDENT OF POLICE
HAILAKANDI
DISTRICT- HAILAKANDI
ASSAM-788151

Advocate for the Petitioner : MR. H A LASKAR, MS D DUTTA,MR. S B LASKAR

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

18.02.2026

Heard Mr. S. B. Laskar, learned counsel for the petitioner, also heard Ms. M. Barman, learned Government Advocate for the respondents.

Issue notice, returnable within four weeks.

The Department of Home Affairs, namely Respondent No. 1 will file a specific affidavit as to the steps taken by the Department in terms of the order dated 21.05.2025, passed in WP(C) No. 3982/2023, whereby the following specific directions were issued:

“7. Mr. R. Dhar, Addl. Sr. Govt. Advocate, Assam submits that considering the lapse of time in this case, the claim of the petitioner would stand extinguished not only under several decisions of the Supreme Court but also judgment of this Court and therefore, regardless of the stand taken in the counter-affidavit, the case of the petitioner cannot be considered. I am afraid, the above submission of Mr. Dhar cannot be accepted by this Court. Once the State has taken a stand by filing counter-affidavit agreeing to consider the case of the writ petitioner, it will be bound by the above stand. Therefore, the learned

Government Advocate cannot be permitted to argue in a manner which is contrary to the stand projected in the counter-affidavit filed by the State. In such circumstances, it will also not be necessary for this Court to issue any direction to the State to consider the case of the petitioner. To that extent the legal hurdles referred to by Mr. Dhar would also not be of any significance in the facts of the present case.

8. In view of the discussions made in the foregoing paragraphs, this writ petition is disposed of by providing that the case of the petitioner be processed in the light of the stand taken by the State as reflected in paragraph 5 of the counter-affidavit. Consequential actions be initiated as expeditiously as possible, but not later than 90 days from the date of receipt of a certified copy of this order. Both the writ petitions stand disposed of accordingly."

In the face of such specific directions, this Court permits the Respondent Authorities to apprise the Court, as to whether the case of the petitioner was considered in terms of the above direction, and if not, then provide an explanation for the same.

Let this matter be called up again on 27.02.2026.

Extra copies be furnished within a period of 2 (two) working days.

JUDGE

Comparing Assistant