

GAHC010033732026



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

Case No. : I.A.(Civil)/728/2026

HITESWAR SARMAH
S/O LATE JYOTISH CHANDRA SARMAH, PERMANENT RESIDENT OF
SARUPATHAR TOWN, DISTRICT -GOLAGHAT, ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
EDUCATION (SECONDARY) DEPARTMENT, DISPUR, GUWAHATI-06.

2:THE SECRETARY
SECONDARY EDUCATION DEPARTMENT
KAAC
DIPHU

3:THE ADDL. DIRECTOR OF EDUCATION
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
KARBI ANGLONG.

4:THE INSPECTOR OF SCHOOLS
KARBI ANGLONG DISTRICT CIRCLE
DIPH

Advocate for the Petitioner : MR. M K SARMA, MR S.K. KASHYAP,MR. S B PRASAD

Advocate for the Respondent : SC, SEC. EDU., SC, K A A C

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 16-03-2026

Heard Mr. M.K. Sarma, learned counsel for the applicant. Also heard Mr. J. Chutia, learned standing counsel, KAAC and Ms. H. Terangpi, learned standing counsel, School Education, Assam.

The present interlocutory application has been instituted praying for condonation of delay of 376 days in preferring the connected review petition. The connected review petition has been so instituted by projecting that this Court while disposing of the W.P.(C) No. 7045/2024 had noticed the un-amended provision of Rule 12(3)(iv) of the Assam Secondary Education (Provincialized Schools) Service Rules, 2018. It is projected that the said Rule was already amended in the year 2021 and in the event the amended provision of the said Rules was so noticed, this Court would have proceed to issue directions in favour of the writ petitioner.

The learned counsel for the application by reiterating the said position has submitted that the fact that the provision of Rule 12(3)(iv) of the Rules of 2018, had undergone amendment was not known to him and the said aspect of the matter on coming to the knowledge of the petitioner, he has without further delay proceeded to institute the connected review petition. However, on account of the said factors, a delay of 376 days has occasioned in instituting the connected review petition. Accordingly, he submits that the delay occasioning in instituting the connected review petition be condoned and the same be considered on merits.

The learned counsel for the respondents have not seriously objected to the condonation of delay occasioning in institution of the connected review petition.

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

Considering the reasons set out in the interlocutory application towards condonation of delay of 376 days occasioning in instituting the connected review petition, this Court finds that the reasons advanced to be just and sufficient. The delay occasioning

in instituting the connected review petition is not found by this Court to be deliberate or willful.

Accordingly, considering the materials coming on record, this Court is of the considered view that the delay of 376 days occasioning in preferring the connected review petition mandates to be condoned. Accordingly, the delay involved is condoned.

Office to register the connected Review Petition and list the same before this Court on 20-03-2026.

With the above observations and directions, the present interlocutory application stands disposed of.

JUDGE

Comparing Assistant