

GAHC010133242024



undefined

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

**Case No. : WP(C)/3522/2024**

NABA KUMAR NATH AND 8 ORS  
S/O LATE NAGENDRA CHANDRA NATH, R/O WARD NO. 4, BISHNU NAGAR  
(BARUAPARA), LANDMARK-NEAR BISHNU MANDIR, P.O.-MANGALDAI,  
P.S.-MANGALDAI, DIST- DARRANG (ASSAM), PIN-784125

2: PRANAB SARMA  
S/O LT. PADMESWAR SARMA  
R/O WARD NO. 10 (OPP. OF PATACHARKUCHI POST OFFICE)  
P.O.-PATACHARKUCHI  
DIST-BAJALI (ASSAM)  
PIN-781326

3: PRADIP CHANDRA PATHAK  
S/O LT. BHADIRAM PATHAK  
R/O VILL- MAKHIBAHA  
P.O.-MAKHIBAHA  
P.S.-TIHU  
DIST- NALBARI (ASSAM)  
PIN-781374

4: SAMAN UDDIN AHMED  
S/O MOHAMMAD ALI MUNCHI  
R/O VILL- KHONGRA  
P.O.-KHONGRA  
P.S.-TARABARI  
DIST- BARPETA (ASSAM)  
PIN-781305

5: BHABESH CHANDRA BAISHYA  
S/O LT. KESHAB CHANDRA BAISHYA  
R/O VILL- GUAKUCHI  
P.O.-GUAKUCHI  
P.S.-GHOGRAPARA  
DIST-NALBARI (ASSAM)

PIN-781369

6: SHANKAR MAHANTA  
S/O LT. BIRENDRA KR. MAHANTA  
R/O BIDHAN SARANI  
P.O.-RAM KRISHNA NAGAR  
DIST- KARIMGANJ  
PIN-788166

7: MRINAL KUMAR BARMAN  
S/O SAMINDRA BARMAN  
R/O VILL- RUPIA BATHAN  
P.O.-CHAMATA  
P.S.-BELSOR  
DIST- NALBARI (ASSAM)  
PIN-781306

8: DHIREN SARMAH  
S/O LT. DURGA PRASAD SARMAH  
WARD NO. 6  
P.O.-BOKAKHAT  
SEUJPAR  
DIST- GOLAGHAT  
PIN-785612

9: BISHNU BORAH  
S/O LATE NAGEN CHANDRA BORAH  
VILL- JUGUNIDHARI  
P.O.-AUNIATI SATRA  
P.S.-KAMALABARI  
DIST-MAJULI  
PIN-78510

VERSUS

THE STATE OF ASSAM AND 18 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY, EDUCATION  
(SECONDARY) DEPARTMENT, GOVERNMENT OF ASSAM, DISPUR,  
GUWAHATI-6

2:THE COMMISSIONER AND SECRETARY  
FINANCE (SIU) DEPARTMENT  
GUWAHATI-6

3:THE COMMISSISONER AND SECRETARY  
PENSION AND PUBLIC GRIEVANCES DEPARTMENT  
GOVERNMENT OF ASSAM  
DISPUR

GUWAHATI-6

4:THE ACCOUNTANT GENERAL (A AND E)  
ASSAM  
MAIDAMGAON  
BELTOLA  
GUWAHATI-781029

5:THE DIRECTOR OF SECONDARY EDUCATION  
ASSAM  
KAHILIPARA  
GUWAHATI-19

6:THE INSPECTOR OF SCHOOLS  
BARPETA  
ASSAM

7:THE INSPECTOR OF SCHOOLS  
GOALPARA  
ASSAM

8:THE INSPECTOR OF SCHOOLS  
KARIMGANJ  
ASSAM

9:THE INSPECTOR OF SCHOOLS  
MANGALDAI  
ASSAM

10:THE INSPECTOR OF SCHOOLS  
NALBARI  
ASSAM

11:THE INSPECTOR OF SCHOOLS  
GOLAGHAT  
ASSAM

12:THE INSPECTOR OF SCHOOLS  
MAJULI  
ASSAM

13:THE INSPECTOR OF SCHOOLS  
PATHSALA  
ASSAM

14:THE INSPECTOR OF SCHOOLS  
GOALPARA  
ASSAM

15:THE INSPECTOR OF SCHOOLS  
KARIMGANJ  
ASSAM

16:THE INSPECTOR OF SCHOOLS  
MANGALDAI  
ASSAM

17:THE INSPECTOR OF SCHOOLS  
NALBARI  
ASSAM

18:THE INSPECTOR OF SCHOOLS  
GOLAGHAT  
ASSAM

19:THE INSPECTOR OF SCHOOLS  
MAJULI  
ASSA

**Advocate for the Petitioner** : MR. M DUTTA, MR. N BARDOLOI,MS S DEV

**Advocate for the Respondent** : SC, SEC. EDU., MS. D D BARMAN Ld.Addl. Sr. Advocate,  
Assam,,SC, AG,SC, FINANCE

**BEFORE**  
**HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

**ORDER**

**Date : 07.08.2025**

Heard Mr. M. Dutta, learned counsel appearing for the petitioners. Also heard Mr. R. Borpujari, learned Standing Counsel, Finance Department, Mr. D. Das, learned counsel a appearing on behalf of Mr. B. Sharma, learned Standing Counsel, A.G, for respondent No. 4, Mr. K. Phukan, learned Govt. Advocate, Assam, for respondent No. 3 and Ms. P. Das, learned Standing Counsel, Sec. Edu., for respondent Nos. 1 & 5.

2. This matter was listed today under the column, "For Referral to the Special Mediation Drive-Mediation 'For the Nation'" as per the Standard Operating Procedure (SOP) as approved by the Executive Chairman, National Legal Services Authority (NALSA) and Chairman, Mediation and Conciliation Project Committee (MCPC) for the Campaign – Mediation 'For the Nation'.

3. The aforesaid Standard Operating Procedure reads as under:-

“ANNEXURE-A

*The Standard Operating Procedure as approved by the Hon'ble Executive Chairman NALSA and Chairman, MCPC for the Campaign-Mediation 'For the Nation'.*

**1. TIME LINE**

*1<sup>st</sup> JULY TO 31<sup>st</sup> JULY- Case Identification, Information to parties and referral to Mediators. (Note-Efforts for mediation will begin soon after referral to Mediator)*

*July 2025- VC of His Lordship Hon'ble Justice Surya Kant with Chief Justices and Members of Mediation Monitoring Committees of all High Courts of India. (Date of VC will be communicated in due course)*

*31-7-2025- Transmission of data to MCPC by all the High Courts as to total matters pending as well as referred to mediation under each category in the State on the dedicated email id (dedicated email id will be shared to all High Courts in due course)*

*4th, 11th, 18th, 25th August and 1st , 8th , 15th and 22nd September 2025 - Transmission of data as to matter settled through mediation to the MCPC by the SLISA on the dedicated email.*

*6-10-2025- Transmission of data as to total matters referred to Mediation and total matters settled to the MCPC by the High Court on the dedicated email (format is given in this SOP-Annexure A)*

*7th October 2025- Press Release by each SLSA/Mediation Monitoring Committee of the High Court*

*Action by the High Court/District Court/Taluka Court*

*2. All matters having elements of settlement including matters pending under each of the following categories may be referred for mediation.*

*MATRIMONIAL DISPUTES CASES,  
ACCIDENT CLAIMS CASES,  
DOMESTIC VIOLENCE CASES,  
CHEQUE BOUNCE CASES,  
COMMERCIAL DISPUTES CASES  
SERVICE MATTERS CASES,  
CRIMINAL COMPOUNDABLE CASES,  
CONSUMER DISPUTES CASES,  
DEBT RECOVERY CASES,  
PARTITION CASES,  
EVICTION CASES,  
LAND ACQUISITION CASES,  
OTHER SUITABLE CIVIL CASES*

*3. High Courts and District Courts may identify suitable cases from their database irrespective of the date fixed in the matter. For notice/intimation to the parties, the Courts may list them in the Cause list from 01-07-2025 to 31-07-25 under the Heading -“For Referral to the Special Mediation Drive-Mediation ‘For the Nation’.*

*4. All such matters should be referred in which there exists an element of settlement.*

*5. Referral order should contain first date of mediation as well as mobile number and email id of the coordinator of the Mediation Centre where the parties are to appear for settlement efforts.*

*Action by SLSA/DLSA/TLSC/Mediation Centre*

*6. All existing Mediators including the Mediators who have undergone 40 Hours Mediation Training recently shall be involved in this Campaign and matters shall be marked to them.*

*7. Mediation settlement efforts shall be made on all 7 days of the week as per the convenience of the parties.*

8. Parties willing to appear online shall be allowed to appear online.

9. Mediation may be completely in offline mode (physical mode), completely in online mode or in Hybrid mode.

10. Taluka or District Legal Services Authority shall facilitate online mediation.

11. Help of counselors, subject matter experts may be taken in the special campaign wherever required.

12. Entire data of cases settled shall be transmitted to the MCPC in tabular chart containing case no., name of the parties, Referral Court's name, category/nature of the case, name of the mediator, first mediation date and final result date.

Sl.No	Case No.	Parties' Name	Referral Court's Name	Category / Nature of Case	Mediator	First date of mediation	Final Result Date

Action by SLSA/High Court Mediation Monitoring Committee

13. Wide publicity in the print and electronic media should be given to this Mediation Campaign-Mediation 'For the Nation' by the SLSA/High Court Mediation Monitoring committee in regional languages also. The SLSA/High Court Mediation Monitoring Committee may get the campaign document and all other relevant materials translated in to the regional languages of the State.

14. Mediation Monitoring Committee of the High Court may monitor the mediation campaign to ensure its success.

15. Concerned High Court may make its own strategy for ensuring success of this campaign.

Action by Secretary MCPC

16. MCPC shall request the NJA Bhopal to conduct intensive study on all aspects of the campaign including

*its impact in association with such National Law Universities which It deems fit.*

*17. MCPC shall inform the Secretary to the Government of India about this campaign.”*

- 4.** Pertinent that prior to listing of the said matter in terms of the aforesaid SOP, the cases suitable for referral to the Mediation Centre were identified and thereafter, the parties were notified through their Legal Counsels for taking their consent for referring the case for mediation as per the SOP.
- 5.** The instant writ petition being one of such case has been listed today in order to ascertain whether the parties are agreeable and willing for referring the instant case for mediation.
- 6.** However, when the matter is called today, learned counsel appearing for both parties has submitted that upon communicating to the respective client regards the SOP, the clients are agreeable and willing to refer the matter to the mediation centre.
- 7.** In view of the aforesaid endorsement made by the learned counsels for the parties, the matter is directed to be placed before the coordinator of Mediation Centre, Gauhati High Court, for resolution of the issue arising herein by way of mediation.
- 8.** The parties are accordingly directed to appear before the coordinator of Mediation of the Mediation Centre, Gauhati High Court on 27.08.2025 at 11:30 a.m.
- 9.** Let copies of this order be furnished to all the learned counsels

for the parties.

**10.** For the convenience of the parties the mobile no. and e-mail Id of the coordinator of the Mediation Centre, Gauhati High Court is set out hereinbelow.

Sri Joydev Koch, Secretary, GHCLSC

Mobile No. --- 7099063524

E-mail ID --- [ghcmc.ghc@gmail.com](mailto:ghcmc.ghc@gmail.com)

**11.** The Registry is directed to do the needful in the matter.

**JUDGE**

**Comparing Assistant**