

GAHC010180142021



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

Case No. : WP(C)/5750/2021

DR. GOPAL PHUKAN
S/O LATE DAYARAM PHUKAN, R/O TETELIA HILLSIDE, LACHIT
BORPHUKON PATH, NEAR HANUMAN MANDIR, P.S.-JALUKBARI, P.O.-
MALIGAON RAILWAY HEADQUARTERS, GUWAHATI, DIST- KAMRUP(M),
ASSAM, PIN-781033

VERSUS

THE STATE OF ASSAM AND 10 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, HIGHER EDUCATION DEPARTMENT, JANATA
BHAWAN, DISPUR, GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
HIGHER EDUCATION DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-781006

3:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
FINANCE DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-781006

4:THE DIRECTOR OF HIGHER EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-781019

5:DUDHNOI COLLEGE
REPRESENTED BY ITS PRINCIPAL
DUDHNOI
DIST- GOALPARA
ASSAM-783124

6:THE GOVERNING BODY
DUDHNOI COLLEGE
REPRESENTED BY ITS SECRETARY
DUDHNOI
DIST- GOALPARA
ASSAM-783124

7:THE PRESIDENT
GOVERNING BODY
DUDHNOI COLLEGE
DUDHNOI
DIST-GOALPARA
ASSAM
PIN-783124

8:THE PRINCIPAL AND SECRETARY
DUDHNOI COLLEGE
DUDHNOI
DIST-GOALPARA
ASSAM-783124

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

10:THE TREASURY OFFICER. GOALPARA
DIST-GOALPARA
ASSAM
PIN-783101

11:THE DIRECTOR OF AUDIT (LOCAL FUND)
ASSAM
KAR BHAWAN COMPLEX
DISPUR
GUWAHATI-78100

Advocate for the Petitioner : MR. P D NAIR

Advocate for the Respondent : SC, HIGHER EDU

**BEFORE
JOINT REGISTRAR (JUDL.)- MR. ARUP JYOTI BAISHYA**

ORDER

Date : 12.09.2022

Case taken up before the Lawazima Court.

Learned counsel Mr. A. Chetry appears for the petitioner.

Perused the records.

The office note dated 06.09.2022 reveals that notice was issued to the respondent Nos. 5 to 8 by registered post with A/D on 30.11.2021.

Learned counsels have appeared on behalf of the respondent No. 8 by filing Vakalatnama. As such, service is deemed to be completed on the said respondent.

Further, in respect of the respondent Nos. 5 to 7, neither the A/D cards nor the un-served notices have been received back.

Now, a perusal of the Postal Journal indicates that the registered notice dated 30.11.2021 was issued to the respondent Nos. 5 to 7 in the address as mentioned in the cause title of the petition and as more than 30 (thirty) days have passed since issuance of the notice, hence, in view of Section 27 of General Clauses Act 1897 read with Order 5, Rule 9, Sub. Rule 5 (proviso) of the CPC, notice may be deemed to be served upon the said respondents **(respondent Nos. 5 to 7)**.

Further, it may be mentioned that service on the respondent Nos. 1 to 4 & 9 to 11, is complete as reflected in the order of the Hon'ble Court dated 12.11.2021.

In view of the above, the matter may be placed before the Hon'ble Court.

Joint Registrar (Judicial)

Comparing Assistant