

GAHC010241192015



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

Case No. : WP(C)/3732/2015

DR. SANCHITA BORUAH and 2 ORS
ASSOCIATE PROFESSOR, DEPARTMENT OF ZOOLOGY, DIBRUGARH,
SURAJMAL HANUMANBAX KANOI D.H.S.K.COLLEGE, DIBRUGARH-
786003, ASSAM.

2: DR. PARTHA GANGULI
ASSOCIATE PROFESSOR
DEPARTMENT OF ECONOMICS
DIBRUGARH SURAJMAL
HANUMANBAX KANOI D.H.S.K. COLLEGE
DIBRUGARH- 786003
ASSAM.

3: DR. MADHUMITA PURAKAYASTHA
ASSOCIATE PROFESSOR
DEPARTMENT OF ENGLISH
DIBRUGARH SURAJMAL
HANUMANBAX KANOI D.H.S.K. COLLEGE
DIBRUGARH- 786003
ASSAM

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY THE COMMISSIONER and SECRETARY TO THE GOVT. OF ASSAM,
EDUCATION HIGHER DEPARTMENT, DISPUR, GUWAHATI-19.

2:THE JOINT SECRETARY TO THE
GOVT. OF ASSAM
HIGHER EDUCATION DEPARTMENT
DISPUR
GUWAHATI-6.

3:SRI R. HAZARIKA

JOINT SECRETARY TO THE GOVT. OF ASSAM
HIGHER EDUCATION DEPARTMENT
DISPUR
GUWAHATI-6.

4:THE DIRECTOR OF HIGHER EDUCATION
DISPUR
GUWAHATI-19.

5:THE GOVERNMENT BODY

D.H.S.K. DIBRUGARH SURAJMAL HANUMANBAX KANOI COLLEGE
DIST. DIBRUGARH
PIN - 786003
ASSAM
REP. BY THE SECRETARY CUM PRINCIPAL.

6:THE PRESIDENT

GOVERNING BODY D.H.S.K. COLLEGE
DIST. DIBRUGARH
PIN - 786003
ASSAM.

7:DR. ATIKUDDIN AHMED
FORMER PRINCIPAL-IN-CHARGE
D.H.S.K. COLLEGE
DIBRUGARH
PIN - 786003
ASSAM.

8:DR. SASHI KANTA SAIKIA
PRINCIPAL DHSK COLLEGE
DIBRUGARH- 786003
ASSAM

Advocate for the Petitioner : MS.S SARMA

Advocate for the Respondent : FOR CAVEATOR

BEFORE
DEPUTY REGISTRAR (G AND C) - MR. KAUSTUVMANI GOSWAMI

ORDER

Date : 13.02.2023

Case taken up before the Lawazima Court.

None appears for the petitioners.

Learned counsel Mr. M.R. Sharma appears on behalf of Mr. K.K. Mahanta, learned counsel for the respondent Nos. 5, 6 & 8.

Perused the records.

The office note dated 02.02.2023 reveals that notice was issued to the respondent No. 7 by registered post with A/D on 28.01.2020 and the A/D card has been received back.

Now, a perusal of the aforesaid A/D card reveals that the A/D card bears the signature of someone other than the addressee. In this context, the Hon'ble Privy Council in the case of **Harihar Banerji v. Ramsashi Roy, 1918 SCC OnLine PC 58** held that *where a notice was sent by registered post properly addressed there is a strong presumption that the notice was properly delivered in the usual course and this is not rebutted by the fact that the acknowledgment is signed by a person other than the addressee*. In the present case, it appears from the A/D card that the registered notice was properly addressed to the respondent No. 7. Thus, **in the present case, even though the A/D card was signed by a person other than the addressee, the notice will be presumed to be served on the said respondent (respondent No. 7).**

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

Deputy Registrar (G&C)

Comparing Assistant