

GAHC010055662020



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

**Case No. : I.A.(Civil)/819/2020**

THE STATE OF ASSAM AND ANR  
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,  
EDUCATION (ELEMENTARY) DEPARTMENT, DISPUR, GUWAHATI-6.

2: THE DIRECTOR OF ELEMENTARY EDUCATION  
ASSAM  
KAHILIPARA  
GUWAHATI-19

VERSUS

JYOTI BARUAH AND 8 ORS.  
D/O- SRI P. BARUAH, R/O- VILL. AND P.O. GOBINDAPUR, DIST.-  
LAKHIMPUR, ASSAM, PIN- 787055.

2:JUGANANDA BORGOHAI  
S/O- SRI DURNA KANTA BORGOHAIN  
R/O- VILL.- SAPOTIA GOHAI GAON  
P.O. SAPATIA  
DIST.- LAKHIMPUR  
ASSAM  
PIN- 787031.

3:THANESWAR DOLEY  
S/O- LATE BACHA DOLEY  
R/O- VILL.- GONDHIA MISSING GAON P.O. GONDHIA TINIALI  
DIST.- LAKHIMPUR  
ASSAM  
PIN- 787031.

4:DURNA KANTA SAIKIA  
S/O- SRI CHANDRA SAIKIA  
R/O- VILL.- SINGIA P.O. BATAMARI TINIALI  
DIST.- LAKHIMPUR

ASSAM  
PIN- 787053

5:DIPAK GOGOI  
S/O- SRI PANCHAPRASAD GOGOI  
R/O-VILL.- MURTIA SAPOTIA  
P.O. AND DIST.- LAKHIMPUR  
ASSAM  
PIN- 787031.

6:RAJEN DUTTA  
S/O- LATE MUHIDHAR DUTTA  
R/O- VILL.- BARUATIKA  
P.O. DHAKUAKHANA  
DIST.- LAKHIMPUR  
ASSAM  
PIN- 787053.

7:TANKESWAR GOGOI  
S/O- LATE HEMA KANTA GOGOI  
R/O- VILL. AND P.O. GHATAPARA  
DIST.- LAKHIMPUR  
ASSAM  
PIN- 787031.

8:LOHIT CHAMUA  
S/O- SRI BUDHESWAR CHAMUAH  
R/O- VILL.- BAHPARA  
P.O. KEKURI  
DIST.- LAKHIMPUR  
ASSAM  
PIN- 787055.

9:TULANI TAID  
D/O- TANKE TAID  
R/O- VILL.- THEKERAGURI NO. 2 P.O. GOBINDAPUR  
DIST.- LAKHIMPUR  
ASSAM  
PIN- 787055

**Advocate for the Petitioner : MR. D SAIKIA**

**Advocate for the Respondent : MR. B D KONWAR SR. ADV.**

Linked Case :

THE STATE OF ASSAM AND ANR

VERSUS

JYOTI BARUAH AND 8 ORS

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Advocate for :

Advocate for : appearing for JYOTI BARUAH AND 8 ORS

**BEFORE**  
**HONOURABLE THE CHIEF JUSTICE**  
**HONOURABLE MR. JUSTICE SUMAN SHYAM**

**ORDER**

**21.02.2024**

*(V. Bishnoi, CJ)*

Heard the learned counsel appearing for the parties.

The matter comes upon for consideration of the Interlocutory Application (C) No. 819/2020 with the prayer to condone the delay of 557 days in filing the connected Review Petition seeking review of the judgment dated 10.07.2018, passed by the Division Bench of this Court in WA No. 304/2014.

In the Interlocutory Application it is contended that the applicants, after receiving certified copy of the impugned judgment dated 10.07.2018, considered the matter at various levels and, ultimately, a decision was taken on 18.07.2018 to prefer an SLP before the Hon'ble Supreme Court. It is further

contended that during the time of consultation with the Advocate on record in the Hon'ble Supreme Court, it transpired that some facts had not been brought to the notice of the High Court at the time of hearing of the matter and, therefore, a decision was taken to file a Review Petition before this Court.

From the contentions of the applicants it appears the applicant State was advised to prefer a Review Petition in the year 2018 itself, particularly, in the month of December, 2018. However, despite a decision being taken in the month of December, 2018, the connected Review Petition was filed before this Court on 18.02.2020. No explanation is offered on behalf of the applicant State regarding the delay occurred from December, 2018 to February, 2020.

In such circumstances, we are of the view that the delay in filing the connected Review Petition has not been explained satisfactorily by the applicant. Hence, we do not find any case for condoning the delay of 557 days in filing the connected Review Petition. Consequently, the Interlocutory Application is dismissed.

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**