GAHC010138252025

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

Case No. : I.A.(Civil)/3312/2026

THE BODOLAND TERRITORIAL COUNCIL AND ORS
REPRESENTED BY THE CHIEF EXECUTIVE MEMBER
BTC KOKRAJHAR

2: THE PRINCIPAL SECRETARY BTC KOKRAJHAR ASSAM

3: THE DIRECTOR OF EDUCATION BTC KOKRAJHAR ASSAM

4: DISTRICT ELEMENTARY EDUCATION OFFICER BAKSA

5: BLOCK ELEMENTARY EDUCATION OFFICER BAKSA

VERSUS

JAYBHADRA BASUMATARY AND ORS
SO PUSPA KANTA KANTA BASUMATARY
RO BAGHMARA PO RUPAHI PS SALBARI BAKSA 781318 ASSAM

2:TILOTTAMA BASUMATARYDO PUSPA KANTA BASUMATARY
RO VILL GWJWMUPURI PS SAPAGURI PS KAJALGAON DIST CHIRANG
PIN 783380

3:DIPALI BASUMATARY DO PUSPA KANTA BASUMATARY
RO VILL MADHAPUR PO RUPAHI PS PATARKUCHI
DIST BAJALI PIN 781318 ASSAM

4:KANAK CH BASUMATARY SO NARAYAN BASUMATARY
RO VILL SIMLA SANTIPUR PO SIMLA PS SIMLA BAZAR
DIST BAKSA 781330 ASSAM

5:MRINAL KALITA RO VILL TANGABARI PO AND PS SALBARI
DIST BAKSA PIN 781318

6:KOKILA NATH DO BHABEN NATH RO VILL GOLIYA PO GOLIYA

PS BHAWANIPUR DIST BAJALI 781352

7:SWAPNA GOYARI DO SWABIN GOYARI RO VILL SAMUWA GATI
PS SALBARI DIST BAKSA 781320

8:SANJIB DAS SO MANORANJAN DAS RO VILL SABLARI
PO AND PS SALBARI DIST BAKSA 781318

9:REBATI DAS DO RAMCHARAN DAS RO VILL SALBARI PO AND PS SALBARI DIST BAKSA 781320

10:PRABIN KR MAJUMDAR SO PRAFULLA MAJUMDAR
RO VILL PAKRIGURI PO SALBARI PS SALBARI DIST BAKSA
ASSAM PIN 781318

11:RAHMAT ALI AHMED SO HASEN ALI AHMED
RO VILL PANPARA
PO CHENGLIMARI
PS PATHARKUCHI
DIST BAJALI
781320
ASSAM

12:MANJUWARA KHATUN
DO SAHAB UDDIN
RO VILL PANPARA
PO CHENGLIMARI
PS PATHARKUCHI
DIST BAJALI
PIN 781320

13:PARESH DAS
SO PROPHULLA DAS
RO VILL AND PO BHOGOLIKANDA
PS KALIGAON
DIST UDALGURI
784525

14:DHARITRI BORO
DO BENUDHAR BORO
RO VILL SIMLA
PO KOKLABARI
PS SIMLA
DIST BAKSA

15:RANEN BASUMATARY
SO GABARAM BASUMATARY
RO VILL KARHUNA

PO LAUKHATA
PS SIMLA
DIST BAKSA
781330

16:NAKUL PEGU
SO BRIKUNDHAR PEGU
RO JALAH
DIST BAKSA
781313

17:KARUN DOLEY
SO KANU DOLEY
RO JALAH
DIST BAKSA
781313

18:BINOD DOLEY
SO DEBAKANTA DOLEY
RO VILL JALAH
DIST BAKSA
781313

19:RAMPRASAD DAS
SO RAM KANAI DAS
RO VILL PUB CHAFAKMAR
PO AND PS GOBARDHANA
DIST BAKSA
781315

20:SOHIDUL ISLAM
SO LT ASHAB UDDIN
RO VILL PUB CHAFAKMAR
PO AND PS GOBARDHANA
DIST BAKSA
781315

21:THE STATE OF ASSAM
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT OF ASSAM

22:THE COMMISSIONER AND SECRETARY
GOVT OF ASSAM
EDUCATION DEPARTMENT

23:SECRETARY
GOVT OF ASSAM
ELEMENTARY EDUCATION DEPARTMENT

24:DIRECTOR OF ELEMENTARY EDUCATION
GOVT OF ASSAM
KAHILIPARA
GHY 19

25:DISTRICT COMMISSIONER
BAKSA
ASSAM

Advocate for : MR A K BHUYAN
Advocate for : GA
ASSAM appearing for JAYBHADRA BASUMATARY AND ORS

Linked Case :**WP(C)/3588/2025**

JAYBHADRA BASUMATARY AND 19 ORS.
SON OF - PUSPA KANTA BASUMATRY, R/O - VILL- BAGHMARA, PO- RUPAHI, PS- SALBARI, DIST- BAKSA, PIN- 781318, ASSAM.

2: TILOTTAMA BASUMATARY
DAUGHTER OF - PUSPA KANTA BASUMATARY
R/O - VILL- GWJWMPURI PO- SAPAGURI PS- KAJALGAON
DIST- CHIRANG PIN- 783380 ASSAM.

3: DIPALI BASUMATARY
DAUGHTER OF PUSPA KANTA BASUMATARY
R/O - VILL- MADHAPUR PO- RUPAHI
PS- PATACHARKUCHI DIST- BAJALI PIN- 781318 ASSAM.

4: KANAK CH. BASUMATARY
SON OF NARAYAN BASUMATARY R/O - VILL- SIMLA SANTIPUR
PO- SIMLA PS- SIMLA BAZAR DIST- BAKSA PIN- 781330 ASSAM.

5: MRINAL KALITA R/O - VILL- TANGABARI
PO- SALBARI PS- SALBARI DIST- BAKSA PIN- 781318 ASSAM.

6: KOKILA NATH DAUGHTER OF BHABEN NATH
R/O - VILL- GOLIYA PO- GOLIYA PS- BHAWANIPUR DIST- BAJALI
PIN- 781352 ASSAM.

7: SWAPNA GOYARI DAUGHTER OF - SWABIN GOYARY
R/O - VILL- SAMUWA GATI PO- SAMUWA GATI PS- SALBARI
DIST- BAKSA PIN- 781320 ASSAM.

8: SANJIB DAS SON OF MANORANJAN DAS R/O - VILL- SALBARI PO- SALBARI PS- SALBARI DIST- BAKSA PIN- 781318 ASSAM.

9: REBATI DAS DAUGHTER OF - RAMCHARAN DAS
R/O - VILL- SALBARI PO- SALBARI PS- SALBARI DIST- BAKSA
PIN- 781320 ASSAM.

10: PRABIN KR MAJUMDAR SON OF - PRAFULLA MAJUMDAR
R/O -VILL- PAKRIGURI PO- SALBARI PS- SALBARI DIST- BAKSA
PIN- 781318 ASSAM.

11: RAHMAT ALI AHMED SON OF HASEN ALI AHMED
R/O -VILL- PANPARA PO- CHENGLIMARI PS- PATCHARKUCHI
DIST- BAJALI PIN- 781320 ASSAM .

12: MANJUWARA KHATUN DAUGHTER OF SAHAB UDDIN
R/O - VILL- PANPARA PO- CHENGLIMARI
PS- PATCHARKUCHI DIST- BAJALI PIN- 781320 ASSAM.

13: PARESH DAS SON OF - PROPHULLA DAS
R/O - VILL- AND PO- BHOGOLIKANDA PS- KALAIGAON
DIST- UDALGURI PIN 784525 ASSAM.

14: DHARITRI BORO DAUGHTER OF - BENUDHAR BORO
R/O - VILL- SIMLA PO- KOKLABARI PS- SIMLA DIST- BAKSA

15: RANEN BASUMATARY SON OF - GABARAM BASUMATARY
VILL- KARHUNA PO- LAUKHATA PS- SIMLA DIST- BAKSA
PIN- 781330 ASSAM.

16: NAKUL PEGU SON OF BRIKUDHAR PEGU R/O - JALAH
DISTRICT - BAKSA PIN 781313 ASSAM.

17: KARUN DOLEY SON OF KANU DOLEY R/O - JALAH
DISTRICT- BAKSA PIN 781313 ASSAM.

18: BINOD DOLEY SON OF DEBAKANTA DOLEY
R/O - VILL- JALAH DISTRICT - BAKSA PIN - 781313 ASSAM.

19: RAMPRASAD DAS SON OF RAM KANAI DAS
R/O -VILL- PUB CHAFAKAMAR PO- GOBARDHANA
PS- GOBARDHANA DIST- BAKSA PIN - 781315 ASSAM.

20: SOHIDUL ISLAM SON OF LT. ASHAB UDDIN
R/O - VILL- PUB CHAFAKAMAR PO- GOBARDHANA
PS- GOBARDHANA DIST- BAKSA PIN -781315

VERSUS

THE STATE OF ASSAM AND 9 ORS
REPRESENTED BY CHIEF SECRETARY TO GOVT. OF ASSAM.

2:THE BODOLAND TERRITORIAL COUNSEL
REPRESENTED BY THE CHIED EXECUTIVE MEMBER
BTC KOKRAJHAR ASSAM.

3:PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
BODOLAND TERRITORIAL COUNCIL (BTC)
BODOFA NWAGOR KOKRAJHAR.

4:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
IN THE EDUCATION DEPARTMENT.

5:SECRETARY TO THE GOVT. OF ASSAM
ELEMENTARY EDUCATION DEPARTMENT.

6:DIRECTOR OF ELEMENTARY EDUCATION GOVT. OF ASSAM
KAHILIPAR GUWAHATI -19.

7:DISTRICT COMMISSIONER BASKA ASSAM

8:DIRECTOR OF EDUCATION BTC KOKRAJHAR.
9:DISTRICT ELEMENTARY EDUCATION OFFICER BASKA.

10:BLOCK ELEMENTARY EDUCATION OFFICER BASKA ASSAM

Advocate for the Petitioner : MR. D P CHALIHA, MS M ROY
Advocate for the Respondent : GA, ASSAM, SC, ELEM. EDU,SC, BTC

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 17.09.2026

Heard Ms. N. Choudhury, learned standing counsel, Bodoland Territorial Council(BTC), appearing on behalf of the applicants. Also heard Mr. D. P. Chaliha, learned senior counsel, assisted by Ms. M. Roy, learned counsel, appearing on behalf of the Opposite Parties.

2. This interlocutory application has been filed, seeking modification of this Court's order dated 03.07.2026 passed in WP(c)3588/2025, whereby, while permitting the respondents/applicants to file their affidavit-in-opposition, this

Court imposed a cost of Rs. 3,000/- on account of delay in filing the affidavit-in-opposition.

3. Ms. Choudhury, learned standing counsel, Bodoland Territorial Council (BTC), submits that although there was some delay in filing the affidavit-in-opposition in the connected writ petition being WP(c)3588/2025, however, the same has since been filed now. She, therefore, prays for expunction of the cost of Rs. 3,000/-, imposed by the order dated 03.07.2026.

4. Mr. Chaliha, learned senior counsel for the Opposite Parties, fairly submits that since he has received the affidavit-in-opposition filed by the respondents-Bodoland Territorial Council(BTC) in the connected writ petition, he has no objection if the prayer of the applicants/respondents, as made above, is allowed.

5. In view of the above, and having regard to the submissions made by the learned counsels appearing for the parties, the prayer for expunction of the cost of Rs. 3,000/- imposed upon the applicants/ respondents by this Court vide order dated 03.07.2026, is allowed.

6. Accordingly, the order dated 03.07.2026 passed in WP(c)3588/2025, shall stand modified to the extent that the direction for payment of Rs. 3,000/- as cost, is hereby expunged.

7. The interlocutory application stands allowed and disposed of, accordingly.

JUDGE

Comparing Assistant