GAHC030008612025

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

Case No. : I.A.(Civil)/230/2025
In
WA/17/2025

State of Mizoram and 4 Ors.
R/b Chief Secretary to the Govt. of Mizoram

VERSUS

Sh Miltona and 33 Ors.
S/o Nengzachin, R/o Vaivakawn, Aizawl

Advocate for the Petitioner : Mrs. Mary Lalruatkimi Khiangte

Advocate for the Respondent : Mrs. Dinari T. Azyu, Sr. Adv.

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR

JUDGEMENT

Date : 12.08.2026
(K.R. Surana, J)

Heard Mrs. Mary Lalruatkimi Khiangte, learned Government Advocate for the State, and Mr. Victor L. Ralte, learned counsel for the respondents.

2. By filing this interlocutory application, the applicants, i.e., the State of

Mizoram and its instrumentalities, who are the appellants in the connected intra-court appeal, have prayed for condoning the delay of 553 days, beyond the period of limitation, in filing the connected intra-court appeal.

3. The intra-court appeal has been filed against the common judgment and order dated 06.05.2024, passed by the learned Single Judge in W.P.(C) No. 64 of 2023 and W.P.(C) No. 52 of 2023, only insofar as W.P.(C) No. 64 of 2023 is concerned.

4. The learned Government Advocate for the applicants has submitted that though a common judgment in two writ petitions was passed on 06.05.2024, the State is of the view that the petitioners in W.P.(C) No. 64 of 2023 are differently situated from the petitioners in W.P.(C) No. 52 of 2023.

5. The learned Government Advocate has referred to a series of communications, which are appended to this interlocutory application, to project that the common judgment was passed on 06.05.2024 and, on 25.05.2024, the learned Government Advocate communicated the order of this Court to the concerned authorities. It is submitted that though the communications were made in right earnest till 03.10.2024, there was some delay in the follow-up, and the next reminder was issued only on 03.05.2025, followed by a communication dated 28.07.2025. Thus, there was a delay of about six months from 03.10.2024 to 03.04.2025. Therefore, an interdepartmental meeting was held on 25.11.2025, after that, the connected memo of appeal along with this interlocutory application was filed on 11.12.2025.

6. In support of her submission for condonation of the delay, the learned Government Advocate has referred to paragraphs 214 to 219 of the case of *Shivamma (Dead) By Lrs. v. Karnataka Housing Board, 2025 SCC OnLine SC 1969*.

7. Per contra, the learned counsel for the respondents, who are the petitioners in W.P.(C) No. 64 of 2023, has submitted that insofar as the common judgment and order dated 06.05.2024 is concerned, the State has complied with the order passed in respect of the same judgment in W.P.(C) No. 52 of 2023. Therefore, it is not open to the State to treat the present set of respondents differently. It is submitted that the delay and laches on the part of the State are apparent because, though there are communications, the matter was not pursued with any seriousness or urgency, and the State took more than one and a half years to file the connected appeal.

8. The learned counsel for the respondents has denied that the present set of respondents are differently situated from the petitioners in W.P.(C) No. 52 of 2023. Accordingly, it is submitted that the present appeal has been filed only to frustrate the contempt application which has already been filed by the respondents for non-compliance with the common judgment and order dated 06.05.2024, insofar as W.P.(C) No. 64 of 2023 is concerned.

9. It is noted from the series of communications which are appended to this interlocutory application that there were inter-departmental communications between the School Education Department and the Department of Personnel and Administrative Reforms and that, though joint meetings of various

department was held, it was by virtue of the communication dated 26.06.2025 that the counsel for the State gave an opinion to file an appeal on the ground that the respondents were differently situated. Thereafter, the School Education Department took a view that the present respondents were differently situated and, thereafter, the present intra-court appeal was filed.

10. Thereafter, the process was further taken up, perhaps in view of the fact that notice of the contempt proceedings, being Cont. Cas(C) No. 5/2023, was received by the officers of the respondents.

11. Though there appears to be a delay in filing the connected intra-court appeal, the stand taken by the appellants is that the petitioners in W.P.(C) No. 64 of 2023 are differently situated from the petitioners in W.P.(C) No. 52 of 2023. Therefore, the Court is inclined to observe that the issue raised by the applicants, as to whether the same principle would apply to the two sets of writ petitioners who are differently situated, needs to be examined.

12. Be that as it may, the communications made between 06.05.2024 and 28.07.2025 indicate that the applicant-State had been taking up the issue with regard to obtaining an opinion and taking a decision on the effect of the judgment and order impugned in the connected intra-court appeal, the same was filed.

13. Accordingly, the Court is of the considered view that the applicants have made out a case for condoning the delay of 553 days in filing the present connected intra-court appeal. Accordingly, the delay of 553 days beyond the

period of limitation in filing the connected intra-court appeal stands condoned.

14. As the connected intra-court appeal has already been numbered, the Registry shall list the same on 19.08.2026.

15. Accordingly, this interlocutory application stands allowed and disposed of.

JUDGE **JUDGE**

Comparing Assistant