

MC 1463/2015
BEFORE
HON'BLE MR JUSTICE M.R.PATHAK

Misc.Case 1463/15
in
WP(C) NO. 1551/11

Heard Mr.A.K.Bora, learned counsel for the applicant/petitioner. Also heard Mr.J.Deka, learned S.C., Higher Education appearing for respondent Nos 1,2 and 3, Mr.S.Tai, learned counsel appearing for respondent Nos 4 to 9 and Mr.R.Sarma learned counsel appearing for respondent No.10.

The connected W.P(C) No.1551/2012 was called for hearing on 04.08.2015 and due to non-appearance of the learned counsel for the petitioner, the writ petition was dismissed for non-prosecution.

It is submitted that the learned counsel for the petitioner/applicant could not appear before the Court in time as he was obstructed by traffic congestion but immediately appeared before the court and by that time the petition was dismissed for non-appearance.

It is settled law that litigant should not suffer for any fault of the counsel. Further the applicant has shown sufficient reason for his non appearance before the court on that day ,when the matter was called upon.

The learned counsel for the respondents have no objection if the writ petition is restored to file.

In view of the above this application is allowed.

The order dated 04.08.2015 passed earlier in W.P(C) No.1551/2011 is hereby recalled and the connected writ petition is restored to file

With the above direction , Misc.case stands disposed of.