

ITEM NO.302

COURT NO.13

SECTION XV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).29771/2024

[Arising out of impugned final judgment and order dated 04-10-2024
in WPC No.3110/2019 passed by the Gauhati High Court]

RAMJAN KHAN & ANR.

Petitioner(s)

VERSUS

THE STATE OF ASSAM & ORS.

Respondent(s)

WITH

SLP(C) No. 30249/2024 (XV)

SLP(C) No. 1201/2025 (XV)

SLP(C) No. 2172/2025 (XV)

SLP(C) No. 2145/2025 (XV)

SLP(C) No. 1645/2025 (XV)

(IA No. 294432/2025 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 2120/2025 (XV)

SLP(C) No. 2672/2025 (XV)

(IA No. 26116/2025 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 3704/2025 (XV)

(IA No. 33680/2025 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 2411/2025 (XV)

(IA No. 23444/2025 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 3939/2025 (XV)

(IA No. 57935/2025 - CONDONATION OF DELAY IN FILING

IA No. 57933/2025 - PERMISSION TO FILE ADDITIONAL

DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 6695/2025 (XV)

(IA No. 50039/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 4263/2025 (XV)

(IA No. 60935/2025 - CONDONATION OF DELAY IN FILING
IA No. 60938/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 4744/2025 (XV)

(IA No. 57583/2025 - CONDONATION OF DELAY IN FILING
IA No. 57581/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 4746/2025 (XV)

(IA No. 55938/2025 - CONDONATION OF DELAY IN FILING
IA No. 55940/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 5285/2025 (XV)

(IA No. 54438/2025 - CONDONATION OF DELAY IN FILING
IA No. 54436/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 5306/2025 (XV)

(IA No. 62803/2025 - CONDONATION OF DELAY IN FILING
IA No. 62802/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) Nos.10663-10666/2025 (XV)

SLP(C) No. 15592/2025 (XV)

(IA No. 115440/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 13633/2025 (XV)

(IA No. 97287/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 10661/2025 (XV)

SLP(C) No. 14680/2025 (XV)

SLP(C) Nos. 30088-30091/2025 (XV)

(FOR ADMISSION and I.R.)

(IA No. 242061/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 34935/2025 (XV)

Date : 20-01-2026 These petitions were called for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

For Petitioner(s) Mr. Manish Goswami, Sr. Adv.
Mr. Shaizuddin Ahmed, Adv.
Mr. Priyank Adhyaru, Adv.
Mr. Gaurav Shukla, Adv.
Ms. Sujata Sarkar, Adv.
Mr. Rameshwar Prasad Goyal, AOR

Mr. Manish Goswami, Sr. Adv.
Ms. Anasuya Choudhury, AOR
Mr. Boidurjyamani Deka, Adv.
Mr. Shameen Yaser, Adv.
Ms. Sudha Pradhan, Adv.
Mr. Mridunil M. Kashyap, Adv.

Mr. Kaushik Choudhury, AOR
Mr. Mrinal Kalita, Adv.
Mr. Jyotirmoy Chatterjee, Adv.

Ms. Anisha Upadhyay, AOR
Mr. C.M. Jha, Adv.
Mr. Sahil Raja, Adv.
Mr. Alok Kumar, Adv.
Ms. Draksha Khan, Adv.
Ms. Nisha Thakur, Adv.

Mr. Adeel Ahmed, AOR

For Respondent(s) Mr. Tushar Mehta, Solicitor General
Mr. Chinmoy Pradip Sharma, Sr. A.A.G.
Ms. Diksha Rai, AOR
Ms. Purvat Wali, Adv.
Mr. Piyush Vyas, Adv.
Mr. Irfan Hasieb, Adv.
Mr. Vijay Deora, Adv.
Mr. Aditya Agarwal, Adv.

Mr. Tushar Mehta, Solicitor General
Mr. Chinmoy Sharma, Sr. A.A.G.
Mr. Shuvodeep Roy, AOR
Mr. Deepayan Dutta, Adv.
Mr. Saurabh Tripathi, Adv.

Mr. Tushar Mehta, Solicitor General
Mr. Chinmoy Pradip Sharma, Sr. A.A.G.
Mr. Ankit Roy, AOR
Mr. Irfan Hasieb, Adv.
Mr. Vijay Deora, Adv.
Mr. Aditya Agarwal, Adv.
Ms. Mrinalini Ramesh, Adv.

Mr. Debojit Borkakati, AOR

O R D E R

Heard learned senior counsel/learned senior Additional Advocate General for the parties.

2. At the outset, learned senior counsel/learned senior Additional Advocate General for the parties are *ad idem* that from the present batch of cases, the SLP (C) No.1201 of 2025 (*Johirul Islam Sikder v The State of Assam and Ors.*) is fully covered by the judgment delivered by this Court on 18.11.2025 in Civil Appeal No.13802 of 2025 arising out of SLP(C) No.30099 of 2024 (*Nur Islam and ors. v The State of Assam and Ors.*) and analogous case. Accordingly, the SLP (C) No.1201 of 2025 stands disposed of in similar terms.

3. After detailed hearing, when specific queries were put to learned senior Additional Advocate General for the respondent-State of Assam, almost on every query, time was sought for taking instructions. The plea was that the queries had been necessitated in view of submissions made today during the course of arguments as

none of them were reflected in the pleadings filed by the petitioners. It was submitted that to consider individual cases, reply has to be filed dealing with such individual cases separately. On a query of the Court, as to why, counter affidavit in most of the cases have not been filed, there is no satisfactory answer to the same.

4. The matter has been going on for quite some time and has also been heard on a number of occasions, even as a part-heard matter.

5. Learned senior Additional Advocate General for the respondent-State of Assam submitted that he may be given some time to take specific instructions.

6. We do not find any justification in the submission of learned senior Additional Advocate General for the respondent-State of Assam for seeking time on each and every query which the Court puts. However, for issues, which were absolutely not even referred to in the main pleadings, he may have a case to seek time and file additional affidavit, but not with regard to issues, which have been raised in the pleadings in the present batch of cases. For the present, we do not take a final view on this, but indicate that the Court had put a direct query to learned senior Additional Advocate General for the respondent-State of Assam, as to whether, the petitioners qualify for consideration of their services to be provincialised under the Assam Venture Educational Institutions (Provincialisation of Services) Act, 2011 (for short, "the 2011 Act") or not. Even on this, there is no specific answer and the reply is that instructions would be required to be taken and sought two weeks time.

7. In view thereof, we grant time to learned senior Additional Advocate General for the respondent-State of Assam for taking instructions and filing reply on the queries, which have arisen in the course of arguments advanced by learned senior counsel for the petitioners today.

8. However, if it is found that such issues were already reflected in the main petition and no reply was given, the Court shall draw adverse inference and treat such averments/pleadings as admitted and any affidavit filed to the contrary, shall stand rejected outright.

9. List on 24.02.2026 at 02:00 p.m.

(SAPNA BISHT)
COURT MASTER (SH)

(ANJALI PANWAR)
ASSISTANT REGISTRAR