

ITEM NO.6

COURT NO.16

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s).35328/2022

(Arising out of impugned final judgment and order dated 12-12-2019 in WA No.16/2017 12-12-2019 in WA No. 17/2017 passed by the High Court Of Gauhati At Kohima)

PONCHULO WANTH & ORS.

Petitioner(s)

VERSUS

APRALE KIRHA & ORS.

Respondent(s)

(IA No.8191/2023-CONDONATION OF DELAY IN FILING and IA No.8199/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.8195/2023-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Date : 17-03-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. B.K. Sharma, Sr. Adv.
Mr. Kaushik Choudhury, AOR
Mr. S.p. Sharma, Adv.
Ms. Upasana Sharama, Adv.
Mr. Parth Davar, Adv.
Mr. Kasif Ahmed, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

Mr. B.K. Sharma, the learned Senior Counsel would submit that in declaring the *inter se* seniority of the primary and undergraduate teachers(respondents), the High Court has overlooked the provisions of granting seniority from the date on which the person is borne into the cadre. The senior counsel next submits that on the basis of the upgraded pay-

scale equivalent to the higher post, a person does not automatically enter the higher cadre in order to claim seniority in that cadre.

Issue notice on the application for condonation of delay as well as on the Special Leave Petitions.

(DEEPAK JOSHI)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR