

GAHC010114822015



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

**Case No. : WP(C)/1754/2015**

XXX XXX XXX

VERSUS

IN RE - THE GOVERNMENT OF ASSAM and 3 ANR.  
REP. BY THE CHIEF SECY., DISPUR, ASSAM

2:THE SECY. HOME and POLITICAL DEPTT.  
GOVT. OF ASSAM  
DISPUR  
ASSAM

3:THE UNION OF INDIA  
REPRESENTED BY I.THE MINISTRY OF HOME AFFAIRS. II. THE MINISTRY  
OF EXTERNAL AFFAIRS

4:THE ACCOUNTANT GENERAL  
ASSAM

**Advocate for the Petitioner** : MR. S S DEY (AMICUS CURIAE)

**Advocate for the Respondent** : MR. S C KEYAL (A.S.G.I)

**BEFORE**  
**HONOURABLE MR. JUSTICE SUMAN SHYAM**

**ORDER**

**Date : 12-02-2021**

Heard Mr. H.K. Das, learned amicus curie appearing for the writ petitioner. Also heard Mr. R.C. Borpatragohain, learned Advocate General, Assam who has appeared in this case today for the first time, on being instructed by the Government and submits that a policy decision has been taken by the State not to assign regular work to the 200 newly appointed Members of the Foreigners Tribunal since the possibility of NRC rejection slip being issued in near future is very bright. The learned A.G. submits that as soon as rejection slips are issued the newly appointed Members of the Foreigners Tribunals would be required to decide appeals arising there-from and hence, the Government is of the view that they should not be assigned any other duty for now. Mr. Borpatragohain submits that the stand of the Govt. has been brought on record by filing an affidavit on 12-02-2021. However, the said affidavit is not on record.

The learned Advocate General also submits that the decision making process on the above issue is still under progress and therefore, some more time will be required to take a concrete view in the matter.

At this stage, Mr. H.K. Das, learned amicus curie has pointed out that the above stand of the Govt. of Assam is in conflict with the stand projected in the affidavit filed on behalf of the Union of India and therefore, this matter needs to be resolved through a judicial order.

Mr. R.K. Dev Choudhury, learned ASGI, on the other hand, submits that he has no instruction on how soon the NRC rejection slip would be issued in Assam and therefore, he be granted 03 weeks time to seek specific instruction and place the same before this Court.

Having regard to the nature of issues involved in the proceeding, I am of the opinion that the prayer made by Mr. Dev Choudhury should be granted before any further order is passed by this Court.

Accordingly, Registry is directed to list this case again on 17-03-2021 as fixed item.

The affidavit dated 12-02-2021 be tagged with the record of this case.

Mr. D. Mazumder, learned Addl. Advocate General, Assam, Mr. U.K. Nair, learned standing counsel, Home & Border Department, Assam are present.

Mr. R.A. Tapadar, Registrar (Judicial), Gauhati High Court, Mrs. P. Thousen, Secretary to the Govt. of Assam, Home & Political Department, Assam and Mr. N.B. Patowary, Joint Secretary to the Govt. of Assam, Home & Political Department are also personally present.

**JUDGE**

GS

**Comparing Assistant**