

**FULL COURT REFERENCE TO BID FAREWELL TO HON'BLE MR. JUSTICE
MIR ALFAZ ALI, JUDGE OF GAUHATI HIGH COURT ON HIS LORDSHIP'S
SUPERANNUATION ON 20TH DAY OF APRIL, 2021 (THURSDAY) AT 3:30
PM THROUGH VIRTUAL MODE**

- My esteemed colleagues on the Bench,
- Mr. S.N. Sarma, President, Gauhati High Court Bar Association,
- Mr. P.C. Deka, President, Gauhati High Court Advocates' Association.
- Mr. P.D. Nair, Vice-Chairman, Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh and Sikkim.
- Dr. Dilip Mazumdar, Additional Advocate General, Assam,
- Mr. N. Dutta, Advocate General, Arunachal Pradesh,
- Mr. Diganta Das, Advocate General, Mizoram,
- Mr. T.J. Mahanta, Standing Counsel, Gauhati High Court,
- Mr. R.K. Deb Choudhury, Assistant Solicitor General of India,
- Mrs. M. Kechii, Additional Senior Government Advocate, Nagaland,
- Members of the legal fraternity,
- Members of the Registry and distinguished ladies and gentlemen!

Today, we are here to bid farewell to Justice Mir Alfaz Ali, who is going to lay down office on his superannuation today. All of us would have wanted this farewell reference to be in the usual manner, but under these strange and difficult times of COVID-19, which has now come on us more vigorously in the second wave, we had no choice but to do this by virtual mode.

I am extremely sorry for the technical hiccups and snags, but I am sure all of us would understand all this.

My association with Justice Ali was short but very fruitful. In this short time I have been able to see the qualities of Justice Ali. He has always been frank and honest in his advice and opinions. I have always received his frank

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and detached opinions, when I sought one. In fact, his name signifies the man he is. He has the "Alfaz", or the words of Mir. and Ali is added to his name. This truly makes him a champion.

Born on 21.04.1959, at village Ekrabari in the district of Udalguri, Assam (erstwhile Darrang District), Justice Ali obtained Bachelors degree in Economics (Honours) from Mangaldoi College in the year 1978 and thereafter, MA and LLB degrees from the Gauhati University. He enrolled as an advocate with the Bar Council of Assam, Nagaland, Meghalaya, Manipur, and Tripura on 16.08.1985 and started practicing in Mangaldoi District Court till the month of May, 1989, when he joined the Assam Judicial service previously on 30.06.1989 and served in different capacities as a Judge across the state of Assam.

He served as the District & Sessions Judge at Dhemaji, Dibrugarh, Nalbari and Kamrup (Metro), and also as a Member, MACT and Presiding Officer, State Transport Appellate Tribunal, Guwahati, Member Secretary, Assam State Legal Services Authority, Secretary, Gauhati High Court Mediation Monitoring Committee, Director, Judicial Academy Assam, Registrar (Judicial) and as Registrar (Vigilance) of the Gauhati High Court.

Justice Ali has been elevated as Additional Judge of the Gauhati High Court on 19.05.2017 and appointed as permanent Judge of the Gauhati High Court on 25.04.2019.

Justice Ali has given his opinions on a variety of branches of law, but particularly in criminal law. I may here mention only a few of his important judgments. The first is the opinion given by him in **Smti. Bormoty Panggeng** -



VS- State of Arunachal Pradesh, in Cri. Appeal No.205/2018, wherein the Court held that it is not obligatory or mandatory for the accused or the Court to serve the informant with a notice before proceeding with the hearing of an appeal preferred by the accused against the judgment of conviction. However, the victim may, with the permission of the Court, participate in the appeal and can engage a counsel of own choice and file written arguments.

Secondly, in **B. Lalhmingthanga -VS- State of Mizoram & Ors. in WP(C) No.67/2017**, it was held by the Court that the administrative competence of the Government to review its earlier decision to rectify the date of birth of the petitioner on a complaint of a junior colleague, without giving notice to the petitioner, amounts to violation of principles of natural justice and fair play and clearly offends Article 14 of the Constitution of India.

In another case (**Miss Padi Baby & Ors. -VS- Nabam Pari & Ors.**) **WP(C) No.9(A.P)/2018**, where the Government order withdrawing the regularization/appointment of Trained Graduate Teachers (TGT) and Primary Teachers (PRT) was challenged, the Court held that appointments of the petitioners against the regular vacancies of TGT and PRT in violation of the statutory rules governing the appointment was illegal and violation of Articles 14 and 16 of the Constitution of India, and as such, they would not be entitled to protection under Article 311 of the Constitution.

We are aware that Justice Ali carried an extremely good impression amongst the members of the Bar. His friendly and composed nature is well known amongst his brother and sister Judges as well. When I decided to



dispose of a number of criminal cases on urgent basis, the first name which came to my mind was of Justice Ali. I had been seeking his advice on ticklish legal issues relating to criminal matter and he never disappointed me and always came up with a sound and practical solution.

With the retirement of Justice Ali, we will have a void, which will be difficult to fill as he was an expert in criminal and other related field of law. In any case, we shall continue to seek Justice Ali's sagacious advice in future for the sake of the Institution to which we all belong.

I wish him and his family members a peaceful and well deserved retired life though I am sure the vast experience of Justice Ali, will continue to demand more from him in one form or another.

I, on my own behalf and on behalf of my esteem colleagues of the bench, wish Justice Ali and Mrs. Ali, good health, success and a very long life.



(Sudhanshu Dhulia)
Chief Justice,
Gauhati High Court,
Guwahati