

GAHC010007852023



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

Case No. : WP(C)/257/2023

GOBINDA DEKA
S/O- LT. PRABHAT DEKA, R/O- VILL- BEZPARA, P.O. MUDAIBORI, P.S.
MANGALDAI, DIST.- DARRANG, ASSAM, PIN- 784146

VERSUS

THE STATE OF ASSAM AND 2 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, SOCIAL
WELFARE DEPTT., DISPUR, GHY-06

2:THE DIRECTOR OF SOCIAL WELFARE DEPTT.
GOVT. OF ASSAM
PANBAZAR
GHY-01

3:THE DISTRICT SOCIAL WELFARE OFFICER
DARRANG
MANGALDOI CUM MEMBER SECRETARY
DISTRICT LEVEL SELECTION COMMITTEE
PIN- 78412

Advocate for the Petitioner : MR. R M CHOUDHURY

Advocate for the Respondent : SR. GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR**

ORDER

Date : 20.01.2023

Heard Mr.R.M.Choudhury, learned counsel for the petitioner. Also heard Ms. M.D.Bora, learned Govt. Advocate appearing for all the respondents.

2. The petitioner participated in the recruitment process for appointment to the Grade-IV vacant posts under the Directorate of Social Welfare Assam in the office of the District Social Welfare Officer, Darrang in the year 2005. Petitioner was called for interview by calling letter dated 29.01.2005. Thereafter, the Directorate of Social Welfare, Govt. of Assam issued a Notification dated 11.11.2005 declaring the results for Grade-IV employees. Roll. Nos. 21, 22, 5 and 7 were selected for Grade-IV posts under Darrang District. The Petitioner's Roll No. is 7. It is the case of the petitioner that the candidates bearing Roll Nos.21, 22 and 5 were appointed however, no appointment order was issued in so far as the petitioner is concerned.

3. Being aggrieved, petitioner approached this Court by filing WP(C)/3636/2022, which was disposed of by order dated 03.06.2002 and the operative portion reads as under:

"7) This Court is also of the prima facie view that there is delay and laches in filing this writ petition. However, as the petitioner has not approached the authorities, prior to filing the writ petition, the petitioner is given the liberty to first approach the authority with his grievance. On receipt of the same, the authorities are to take a decision on the same within a reasonable period.

8) Writ petition is accordingly disposed of. "

4. Thereafter, petitioner made a representation before the Director of Social Welfare Department, Govt. of Assam on 24.06.2022, which was sent by way of registered post. As no steps were taken, petitioner filed contempt petition No.623/2022, which was disposed of by order dated 11.11.2002, closing the contempt petition and granting liberty to approach again with appropriate application if so advised to the petitioner. Accordingly, petitioner has approached this Court again by way of the present writ petition.

5. On a perusal of materials available on record, it appears that the representation made by the petitioner on 24.06.2022, addressed to the Director of Social Welfare Department, Govt. of Assam, was sent by registered post already. It is not discernable as to whether the Director of Social Welfare Department had received the said representation. In that view of the matter, petitioner is directed to file a fresh representation before the Director of Social Welfare Department, Govt. of Assam within a period of 1(one) week from today. Thereafter, on receipt of the representation, the Director of Social Welfare Department/respondent No.2 shall consider the representation and pass appropriate orders in accordance with law.

6. Let such exercise be completed within a period of 3(three) months from the date of receipt of the representation made by the petitioner. Petitioner is permitted to furnish a certified copy of the order passed by this Court to the respondent No.2.

7. With the aforesaid directions, writ petition stands disposed of.

JUDGE

Comparing Assistant