

GAHC010014682023



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

Case No. : WP(C)/386/2023

AMINUL ISLAM@HOQUE
S/O- ANNAS ALI,
R/O- VILLAGE MEDHIRTARY,
P.O- GAJIA,
DIST- BARPETA, ASSAM, PIN-781314

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, REVENUE AND
DISASTER MANAGEMENT DEPTT., DISPUR, GHY.-06.

2:THE DEPUTY COMMISSIONER

DIST- BARPETA
ASSAM
PIN-781314

3:THE ADDL. DEPUTY COMMISSIONER

DIST- BARPETA
ASSAM
PIN-781314

4:THE CIRCLE OFFICER

BAGHBOR REVENUE CIRCLE
JANIA

P.O- GAJIA

DIST- BARPETA

ASSAM
PIN-781314

5:SAIIFUL ISLAM
S/O- LATE ASUR UDDIN

VILLAGE MEDHIRTARY
P.O -GAJIA

DIST- BARPETA
ASSAM
PIN-78131

Advocate for the Petitioner : MR. D SARMAH

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 27-01-2023

Heard Mr. S. Hazarika, learned counsel for the petitioner.

The writ petitioner herein claims that he was the In-Charge Gaon Burah of Lot No. 20 of Medhirtari under Jonia Mouza of Baghbor Revenue Circle in the district of Barpeta. In response to the advertisement notice dated 03-09-2022, *inter alia*, issued by the Addl. Deputy Commissioner, Barpeta inviting applications for appointment as Gaon Burah of Baghbor Revenue Circle, the petitioner had submitted his application. However, on completion of the selection process, the petitioner was not selected. Hence, this writ petition seeking a direction upon the respondents.

Resisting the prayer made in the writ petition, Mr. T.C. Chutia, learned Addl. Sr.

Govt. Advocate, Assam and Mr. S. Dutta, learned standing counsel, Revenue & Disaster Management Department, Assam have both submitted that the petitioner did not meet the age qualification criteria prescribed by the advertisement notice and therefore, the case of the petitioner was rightly rejected.

From a perusal of the materials available on record, it appears that as per Clause- 2 of the advertisement notice dated 03-09-2022, the minimum age of the applicant ought to be 30 years as on 02-09-2022 and the maximum should be 65 years. According to the age recorded in the petitioner's HSLC Admit Card, his date of birth is 31-12-1993. If that be so, the petitioner was evidently less than 30 years old on 02-09-2022 and therefore, he was not eligible to apply for the post of Gaon Burah in terms of the said advertisement notice.

Petitioner's counsel submits that the HSLC Admit Card does not record the correct age of the petitioner. However, the HSLC Admit Card is not available on record. From the averments made in the paragraph 11 of the writ petition, it appears that the HSLC Admit Card of the petitioner has been misplaced. Be that as it may, by the own showing of the petitioner his date of birth has been recorded in the HSLC Admit Card as 31-12-1993. If that be so, the age of the petitioner was evidently below 29 years as on 02-09-2022. Wrong entry, if any, in HSLC Admit Card as regards the petitioner's date of birth cannot be corrected in this proceeding.

Under the circumstances, I find force in the submission of Mr. Chutia that the petitioner was not eligible to apply for the post of Gaon Burah as per advertisement notice dated 03-09-2022. Consequently, the question of granting any relief to the petitioner, in

the context of the facts and circumstances of the case, also does not arise.

This writ petition is, accordingly, closed.

JUDGE

GS

Comparing Assistant