

GAHC010029022023



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

Case No. : WP(C)/789/2023

BIKRAM SINGH ROY
S/O- LATE RAMESWAR ROY AND SMTI SUMATI BALA DEVI, R/O-VILL-
KHALISANIMARI, P.O- BHAWRAGURI, P.S- GOSSAIGAON, DIST-
KOKRAJHAR, BTR, ASSAM

VERSUS

THE STATE OF ASSAM AND 7 OTHERS
TO BE REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF
ASSAM, PHE DEPTT, DISPUR, GHY- 781006

2:THE PRINCIPAL SECRETARY
TO THE GOVT OF ASSAM ACCORD IMPLEMENTATION DEPTT
DISPUR
GUWAHATI- 781006

3:THE JOINT SECRETARY
TO THE GOVT OF ASSAM ACCORD IMPLEMENTATION DEPTT
DISPUR
GHY- 781006

4:THE PRINCIPAL SECRETARY
TO THE GOVT OF ASSAM
PHE DEPTT
DISPUR
GHY- 781006

5:THE DIRECTOR OF HEALTH
ASSAM
HENGRABARI
GUWAHATI
PIN- 791036

6:THE BODOLAND TERRITORIAL COUNCIL
REP. BY THE SECRETARY
BTC
KOKRAJHAR
ASSAM
PIN- 783370

7:THE DEPUTY COMMISSIONER
KOKRAJHAR
P.O
P.S AND DIST- KOKRAJHAR
ASSAM
PIN- 783370

8:THE CIRCLE OFFICER
BHAWRAGURI REVENUE CIRCLE
P.O- BHAWRAGURI
P.S- GOSSAIGAON
DIST- KOKRAJHAR
ASSAM
PIN

Advocate for the Petitioner : MR. A DEB

Advocate for the Respondent : SC, P H E

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 15-02-2023

Heard Mr. A.A.R. Karim, learned counsel for the writ petitioner.

The writ petitioner claims to be a victim of the Assam Agitation, inasmuch as the mother of the petitioner was apparently killed in an accident in connection with the Assam Agitation which took place in the year 1980.

According to the petitioner, he is an unemployed person and is entitled to the

benefit of the Assam Public Service (Preferential Appointment) Rules, 1999. However, despite the representations submitted before the authorities, no action has been taken to provide him with suitable employment. Hence, this writ petition.

Mr. Karim submits that similar writ petitions have been disposed of by this Court with a direction upon the authorities to verify the claim of the petitioner and take appropriate action in the matter. In support of his above submission, Mr. Karim has relied upon the order dated 01-08-2022 passed by the learned Single Judge in W.P.(C) No. 4918/2022.

Ms. M.D. Bora, learned Govt. Advocate, Assam appearing for the respondent Nos. 2, 3 and 7 and Mr. S.M. Hasan, learned standing counsel, Health Department, Assam appearing on behalf of respondent Nos. 1 and 4 and Mr. R.K. Musahary, learned standing counsel, BTC representing respondent Nos. 6 and 8 have submitted that they would have no objection, if this writ petition is also disposed of by making similar observations as in the order dated 01-08-2022.

It appears that the petitioner in W.P.(C) No. 4918/2022 had approached this Court seeking the benefit under the Rules of 1999 by claiming that he was a victim of the Assam Agitation.

By taking note of the materials available on record, the learned Single Judge had passed the following order:-

“5. In the instant case, no material is produced before the Court that the petitioner had participated in any recruitment process. Accordingly, we are unable to accept the prayer of the petitioner for a direction for any appointment under the Rules of 1999. But, however, it is provided that in the event any recruitment

process is initiated by the respondent authorities and the petitioner applies against the same and if it is found that he satisfies the definition of being a member of a family under Rule 2(d) of the Rules of 1999 and the brother of the petitioner satisfies the definition of Martyr under Rule 2(c) of the Rules of 1999, the authorities may give due preference to the petitioner as provided under Rule 4 of the said Rules."

In view of the submission made at the bar, this writ petition is also disposed of by providing that similar considerations be extended to the petitioner's case as well after ascertaining as to whether his deceased mother satisfies the requirement of the Rules of 1999.

Writ petition stands closed.

JUDGE

GS

Comparing Assistant