

GAHC010047112023



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

Case No. : I.A.(Civil)/661/2023

RAJUMONI SAIKIA
S/O KALIRAM SAIKIA, R/O VILL-DARIGAJI, P.O.-BORBHOGIA, P.S.-
KALIABOR, DIST-NAGAON, ASSAM, PIN-782138

VERSUS

RAJU BORA AND 6 ORS.
S/O GOPAL BORA, VILL- 5 NO, DARIGOJI, P.O.-BORBHAGIA, P.S.-
KALIABOR, PIN-782138, DIST-NAGAON, ASSAM

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
REVENUE DEPARTMENT
DISPUR
GUWAHATI-6

3:THE DEPUTY COMMISSIONER
NAGAON
P.O.-NAGAON
DIST-NAGAON (ASSAM)
PIN-782002

4:ADDITIONAL DEPUTY COMMISSIONER (REVENUE)
NAGAON
P.O.-NAGAON
DIST-NAGAON (ASSAM)
PIN-782002

5:SELECTION COMMITTEE FOR THE SELECTION OF GAON PRADHAN
IN 4 NO BHURBANDHA
UNDER SAMAGURI REVENUE CIRCLE

NAGAON
ASSAM

6:THE SUB-DIVISIONAL OFFICER
KALIABOR (REVENUE BRANCH)
DIST-NAGAON
ASSAM

7:THE CIRCLE OFFICER
KALIABOR REVENUE CIRCLE
DIST-NAGAON
ASSA

Advocate for the Petitioner : MS. M BORAH

Advocate for the Respondent : MS. G BORAH

Linked Case : WP(C)/6609/2022

RAJU BORA
S/O GOPAL BORA
VILL- 5 NO
DARIGOZI
P.O.-BORBHAGIA
P.S.-KALIABOR
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R/O VILL-DARIGOZI
P.O.-BORBHOGIA
P.S.-KALIABOR
DIST-NAGAON
ASSAM
PIN-782138

Advocate for : MS. G BORAH
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 6 ORS.

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 11-04-2023

Heard Ms. G. Borah, learned counsel for the writ petitioner. Also heard Mr. J.K. Goswami, learned Addl. Sr. Govt. Advocate, Assam appearing for the respondent Nos. 2 to 6 and Ms. M. Borah, learned counsel for the respondent No. 7.

Assailing the selection of the respondent No. 7 for appointment in the post of Gram Pradhan, the instant writ petition has been filed inter alia contending that the respondent No. 7 does not meet the eligibility conditions prescribed by the advertisement notice dated 20-09-2021. By taking note of the projection made in the writ petition, the learned Single Judge, while issuing notice in this case, had passed order dated 30-09-2022 directing the respondents to keep the selection and appointment of the respondent No. 7 in abeyance until further order.

The respondent No. 7 has approached this Court by filing I.A.(C) No. 661/2023, with a prayer to vacate/ modify the order dated 30-09-2022.

Mr. J.K. Goswami, learned Addl. Sr. Govt. Advocate, Assam submits that the writ petitioner has a statutory remedy in the form of appeal preferred under Rule 162(C) of the executive instruction issued under Assam Land and Revenue Regulation, 1886 and therefore, this writ petition be disposed of with a direction upon the writ petitioner to avail such statutory remedy. The learned counsel for the writ petitioner as well as the respondent No. 7 have also agreed to such a recourse. It is also confirmed that no order of appointment has been issued in favour of respondent No. 7 till today.

In view of the above, this writ petition is hereby disposed of by providing that within 07 days from today, the writ petitioner may prefer an appeal before the jurisdictional Divisional Commissioner.

If an appeal is preferred within 07 days by annexing a certified copy of this order, the same shall be considered on merit and dispose of by a reasoned order after looking

into the allegations brought by the writ petitioner.

The aforesaid exercise be carried out and completed as expeditiously as possible, but not later than 60 days from the date of submission of the appeal. The respondent No. 7 be also heard before a final order is passed in the appeal.

Until such time, the appeal is disposed of, no order of appointment shall be issued in favour of the respondent No. 7.

With the above observation, this writ petition as well as I.A.(C) No. 661/2023 stands disposed of.

JUDGE

GS

Comparing Assistant