

GAHC010121782023



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

Case No. : WP(C)/1697/2023

SHIPI SHIKHA TAMULI BORA
C/O- SARAT BORA
R/O- KUWARITOL
P.O. KUWARITOL
P.S. KALIABOR
DIST.- NAGAON
ASSAM
PIN- 782137

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPTT.
ASSAM SECRETARIAT (CIVIL)
DISPUR
GHY-6
ASSAM

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
REVENUE AND DM DEPTT.
ASSAM SECRETARIAT (CIVIL)
DISPUR
GHY-6
ASSAM

3:THE DEPUTY COMMISSIONER
DISTRICT- NAGAON
NAGAON
ASSAM
PIN- 782001

4:THE ADDITIONAL DEPUTY COMMISSIONER
(REVENUE)
DISTRICT- NAGAON

NAGAON
ASSAM
PIN- 782001
5:THE SUB DIVISIONAL OFFICER (CIVIL)
KALIABOR SUB-DIVISION
KALIABOR
DISTRICT-NAGAON
ASSAM
PIN- 782137
6:THE CIRCLE OFFICER
KALIABOR REVENUE CIRCLE
P.O. KALIABOR
P.S. KALIABOR
DIST.- NAGAON
ASSAM
PIN- 782137
7:GUNIN BORAH
S/O- LT. NOMAL CHANDRA BORAH
R/O- VILL- MADHABGAON
P.O. KUWARITOL
P.S. KALIABOR
DIST.- NAGAON
ASSAM
PIN- 782137

Advocate for : MR. R S MISHRA
Advocate for : SC
REVENUE appearing for THE STATE OF ASSAM AND 6 ORS

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 27/07/2023

Heard Mr. P. Bordoloi, learned counsel for the writ petitioner. Also heard Mr. J. Handique, learned Standing Counsel, Revenue and DM Department, Assam, appearing for the respondent nos. 1 & 2 and Mr. A. Chakraborty, learned Government Advocate, Assam, appearing for the respondent nos. 3 to 6. Mr. P.D. Nair, learned counsel is present on behalf of the respondent no. 7.

The writ petitioner herein, had submitted her candidature for selection and appointment as Gaon Pradhan in respect of 11 Kuwarital Part- 2 Lot/Village under Borbhogia Mouza, Koliabor Revenue Circle in the district of Nagaon.

As per the advertisement notice dated 05/09/2022, the last date for submission of applications along with the supporting documents was fixed at 5 p.m. on 21/09/2022. It transpires that as per the particulars submitted by the petitioner along with the application, her date of birth was wrongly projected, as a result of which, her candidature was not accepted. Consequently, she was not called for interview. Subsequently, the petitioner got her date of birth corrected in the relevant document and thereafter, submitted the same before the authorities on 26/02/2023. However, since the last date for submission of documents/application was over by then, the same was not accepted. In the meantime, the selection process was concluded whereafter, the respondent no. 7 has been declared to be the selected candidate. At this stage, the writ petitioner has approached this Court by filing the instant writ petition *inter alia* contending that the selection process stood vitiated due to irregular manner in which the interview was conducted.

According to the petitioner's counsel, the application submitted by the petitioner ought to have been accepted and she ought to have been permitted to appear in the interview process for the purpose of selection of candidates for the post of Gaon Pradhan in respect of 11 Kuwarital Part- 2 Lot/Village. Mr. Bordoloi, learned counsel for the petitioner has further submitted that since there are several anomalies in the process leading to selection of the respondent no. 7, the petitioner be permitted to prefer a statutory appeal before the concerned authorities. The aforesaid prayer has been strongly opposed by Mr. Nair, learned counsel for the respondent no. 7 by contending that no case, whatsoever has been made out by the petitioner for interference by this Court. Similar is the stand of Mr. Handique and Mr. Chakraborty, learned counsel for the respondents appearing in this case.

It is the admitted position of fact that the application filed by the petitioner within the prescribed date was defective due to incorrect representation of her date of birth and the same was accordingly rejected by the authorities. Therefore, the petitioner could not participate in the interview process. Subsequently, the petitioner appears to have submitted another document showing her correct date of birth but the fact remains that by that time, the last date of submission of application had already expired. Under the circumstances, the question of permitting the petitioner to participate in the interview after the date of closure of submission of application could not have arisen in the eyes of law.

If the application of the petitioner was not in accordance with the requirement of the advertisement notice, she could not have been allowed to participate in the interview. As such, this Court is of the opinion that this writ petition is not maintainable at the instance of the writ petitioner

on such count alone.

In so far as the alternative prayer made by Mr. Bordoloi for permitting his client to file an appeal questioning the validity of the selection process, the said prayer also cannot be accepted by this Court simply on account of the fact that since the petitioner was not eligible to participate in the selection process, no locus can be recognized in her favour to assail the selection of the respondent no. 7 for appointment in the post of Gaon Pradhan.

For the reasons stated herein above, this Court is of the opinion that there is no merit in the writ petition. The same is accordingly dismissed.

Interim order dated 29/03/2023 operating in this case shall stand vacated.

JUDGE

sukhamay

Comparing Assistant