

GAHC010074662023



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

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

PARTHA PRATIM DAS
S/O- LATE BHARAT DAS, R/O- VILL- PAHUCHOWA, P.O. SOOTEA, MOUZA-
NAGASANKAR, DIST.- BISWANATH, ASSAM, PIN- 784175

VERSUS

THE STATE OF ASSAM AND 3 ORS.
TO BE REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM,
REVENUE DEPTT., DISPUR, GHY-06

2:THE COMMISSIONER
NORTH ASSAM DIVISION
TEZPUR
SONITPUR
ASSAM

3:THE DEPUTY COMMISSIONER
BISWANATH
DIST.- BISWANATH
ASSAM

4:SRI SADANANDA DAS
S/O- LT INDRESWAR DAS
VILL- CHAPORIAL
PAHUCHOWA
P.O. SOOTEA
DIST.- BISWANATH
ASSAM
PIN- 78416

Advocate for the Petitioner : MR. R BARUAH

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

07.06.2023.

1. Heard Mr. R. Baruah, learned counsel for the petitioner. Also heard Mr. S. S. Roy, learned Government Advocate, Assam representing the respondent Nos. 2 and 3 and Mr. J. Handique, learned Standing Counsel for the Revenue Department, representing the respondent No. 1.
2. As agreed to by the learned counsel for the parties, this matter is taken up for final disposal at the motion stage itself.
3. The present petitioner participated in a selection process for filling up the post of Gaon Pradhan under the Nagsankar Mouza of Naduar Circle in the district of Biswanath pursuant to an advertisement dated 06.06.2022 issued by the Deputy Commissioner of Biswanath District i.e. respondent No. 3. According to the petitioner, interview was held on 05.09.2022. The respondent No. 4 was selected and select list was published on 11.11.2022. Being aggrieved, the present petitioner preferred an appeal under the provision of 162 (C) of Executive Instructions under the Assam Land and Revenue Regulation, 1886 before the appellate authority on 28.11.2022.
4. The petitioner contends that along with the appeal, the petitioner also filed a stay application with a prayer to stay the appointment of the

respondent No. 4. The grievance of the petitioner is that neither any stay order has been granted nor his appeal has been decided till date and having situated thus, he also filed a representation on 30.11.2022 for early disposal of his appeal.

5. This Court under its order dated 11.04.2023 directed the learned Addl. Sr. Govt. Advocate, Assam to obtain instruction and apprise this Court as to whether the statutory appeal filed by the petitioner assailing the selection of the respondent No. 4 for the post of Gaon Pradhan has been considered by the appellate authority i.e. jurisdictional Divisional Commissioner and disposed of in the meantime.
6. When the matter was listed today, Mr. S. S. Roy, learned Government Advocate, Assam on instruction submits that the appeal has been filed by the petitioner, however, same has not been decided till date as in the meantime there were merger of two districts. Mr. Roy, learned Government Advocate on instruction submits that the appeal can be decided within a period of three months upon receipt of the certified copy of this order.
7. Mr. Baruah, learned counsel for the petitioner submits that if the appeal is decided at the earliest, the petitioner shall have no further grievance at this stage.
8. In view of the aforesaid consensus, the present writ petition is disposed of directing the jurisdictional Divisional Commissioner i.e. respondent No. 2 to take on record the appeal which has already been numbered as Appeal Case No. 43/2022 preferred by the present petitioner and shall be heard as expeditiously as possible and not beyond three months from date of receipt

of the certified copy of this order by following due procedure of law.

9. In view of the aforesaid, this writ petition stands disposed of.

JUDGE

Comparing Assistant