

GAHC010096192023



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

Case No. : WP(C)/2518/2023

FAKAR UDDIN SARKAR
S/O- ABDUL HAMID SARKAR,
R/O- VILL. AND P.O.- KHOIRABARI,
DIST.- BARPETA, ASSAM, PIN- 781315.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM,
REVENUE AND DISASTER MANAGEMENT (L.R.) DEPARTMENT,
DISPUR, GUWAHATI-6.

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT (L.R.) DEPTT.
DISPUR
GUWAHATI-6.

3:THE DEPUTY COMMISSIONER
BARPETA
P.O. AND DIST.- BARPETA

ASSAM
PIN- 781301.

4:THE CIRCLE OFFICER
BARNAGAR REVENUE CIRCLE
SORBHOG

DIST.- BARPETA
ASSAM

PIN- 781317.

5:OHAB AKAND
S/O- LATE PAMUSA AKAND

R/O- VILL.- DOMONI

DIST.- BARPETA
ASSAM

PIN- 781315

Advocate for the Petitioner : MR. I H SAIKIA

Advocate for the Respondent : SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 02-06-2023

Heard Mr. K. Kalita, learned counsel for the writ petitioner. Also heard Mr. J. Handique, learned standing counsel, Revenue Department, Assam appearing on behalf of respondent Nos. 1 and 2 and Mr. H. Sarma, learned Addl. Sr. Govt. Advocate, Assam appearing on behalf of respondent Nos. 3 and 4.

The writ petitioner herein claims to be the son of the erstwhile Gram Pradhan of Charge- 20, Gobardhana Mouza, Barnagar Revenue Circle, Sorbhog in the district of Barpeta. However, the petitioner's father died due to some illness. According to the petitioner he had assisted his father for more than 10 years in discharge of his duties as a Gram Pradhan. Notwithstanding the same, after the demise of his father, the authorities did not appoint him as the Gram Pradhan but had issued order dated 05-04-2022 making

the respondent No. 5, i.e. the Gram Pradhan of Charge No. 19 as the In-Charge Gram Pradhan of Charge No. 20.

Petitioner submits that since the respondent No. 5, is not a resident of the village coming within the area of Charge No. 20, he is not competent to hold the post of Gram Pradhan of Charge No. 20.

Mr. H. Sarma, learned Addl. Sr. Govt. Advocate, Assam has pointed out that the order dated 05-04-2022 seeks to make a temporary arrangement, until such time, a regular Gram Pradhan is appointed for Charge No. 20 and the petitioner has appeared in the selection process for recruitment of Gram Pradhan pursuant to the advertisement notice dated 03-09-2022 issued by the authorities. Mr. Sarma, therefore, submits that if the petitioner is selected in the process, he can be appointed as Gram Pradhan but not otherwise. Similar is the stand of Mr. J. Handique, learned standing counsel, Revenue Department, Assam.

After going through the averments made in the writ petition and on hearing the submission made by the learned departmental counsel, this Court is of the opinion that the order dated 05-04-2022 seeks to make a temporary arrangement by making the respondent No. 5 as In-Charge Gram Pradhan of Charge No. 20 and the same does not in any manner permanently fill up the said vacancy. Moreover, if the writ petitioner has appeared in the selection process for appointment of Gram Pradhan, his right to be appointed would be dependent upon his performance in the selection process. As such, this Court is of the opinion that there is no right of the petitioner that can be enforced in this writ petition.

Consequently, this writ petition is held to be devoid of any merit and the same is accordingly dismissed.

JUDGE

GS

Comparing Assistant