

GAHC010100142023



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

**Case No. : WP(C)/2746/2023**

ABDUL KADER  
SON OF LATE SAMSUDDIN,  
RESIDENT OF VILLAGE- MOWAMARI,  
P.O.- RAMAPARA PAM, MOUZA- BAGHBAR,  
P.S.- ALOPATICHAR,  
DISTRICT- BARPETA, ASSAM.  
PIN- 781308.

VERSUS

THE STATE OF ASSAM AND 3 ORS.  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM,  
REVENUE DEPARTMENT, DISPUR,  
GUWAHATI- 781006.

2:THE DEPUTY COMMISSIONER  
BARPETA  
P.S.- AND DISTRICT- BARPETA

ASSAM. PIN- 781301.

3:THE ADDL. DEPUTY COMMISSIONER  
BARPETA  
P.S.- AND DISTRICT- BARPETA

ASSAM. PIN- 781301.

4:JAHIDUL ISLAM  
SON OF ABDUL BAREK  
  
RESIDENT OF VILLAGE- MOWAMARI

P.O.- RAMAPARA PAM  
MOUZA- BAGHBAR

DISTRICT- BARPETA  
ASSAM  
PIN- 781308

**Advocate for the Petitioner** : MR. A U CHOUDHURY

**Advocate for the Respondent** : SC, REVENUE

**BEFORE  
HONOURABLE MR. JUSTICE SUMAN SHYAM**

**ORDER**

**Date : 19-05-2023**

Heard Mr. S. Islam, learned counsel for the writ petitioner. Also heard Mr. S. Dutta, learned standing counsel, Revenue Department, Assam appearing for the respondent No. 1 and Mr. S.S. Roy, learned Govt. Advocate, Assam appearing on behalf of the respondent Nos. 2 and 3.

The writ petitioner had participated in the recruitment process for recruitment of Gram Pradhan. On conclusion of the selection process, by notification dated 03-01-2023, the respondent No. 2 had published the list of successful candidates wherein the name of the respondent No. 4 figures as the selected candidate in respect of Charge No. 10 of Baghbar Mouza under Baghbar Revenue Circle in the Barpeta district.

Assailing the selection process of the respondent No. 4 on the ground that he did not meet the eligibility norms in terms of age and hence, was not qualified to be appointed as Gram Pradhan, the instant writ petition has been filed.

Mr. Islam submits that the age of the respondent No. 4 on the date of the application,

was less than 30 years and therefore, he was not eligible to participate in the recruitment process as per the terms of the advertisement notice.

The issue raised in the writ petition would require this Court to examine certain disputed questions of fact, which may not be permissible in this writ petition.

At this stage, Mr. Dutta submits that although the list of selected candidates was notified on 03-01-2023, i.e. more than 60 days back, yet, he would have no objection if the petitioner is directed to approach the jurisdictional Divisional Commissioner by preferring an appeal under Section 162(C) of the Executive Instruction framed under Assam Land and Revenue Regulation, 1886 with an application for condonation of delay. Similar is the stand of Mr. Roy, learned Govt. Advocate, Assam.

Mr. Islam also submits that his client would be ready to prefer an appeal but some interim protection be granted to his client by this Court.

In view of the above and as agreed to by the learned counsel for both the sides, this writ petition is being disposed of, at the stage of motion hearing, by granting a week's time to the petitioner to prefer a statutory appeal before the jurisdictional Divisional Commissioner.

If such an appeal is filed within 07 days from today, along with an application for condonation of delay, by enclosing a certified copy of this order, the same be considered on merit and appropriate order be passed therein.

As an interim measure, it is provided that, if no order of appointment has already been issued in favour of the respondent No. 4, the same shall not be issued without proper verification of his eligibility in terms of the age of the petitioner as per requirement of the advertisement notice.

With the above observation, this writ petition stands disposed of.

**JUDGE**

GS

**Comparing Assistant**