

GAHC010122802023



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

Case No. : WP(C)/3475/2023

FARUK AHMED
S/O LATE ABDUL SAMAD,
A RESIDENT OF VILL- DUNGPARA,
P.S.- DALGAON, DIST.- DARRANG,
ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVT. OF ASSAM,
REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
DISPUR, GUWAHATI- 781006.

2:DEPUTY COMMISSIONER
DARRANG
MANGALDOI. PIN- 784125.

3:ADDITIONAL DEPUTY COMMISSIONER
DARRANG
MANGALDOI. PIN- 784125.

4:CIRCLE OFFICER CUM ASSISTANT SETTLEMENT OFFICER
DALGAON REVENUE CIRCLE
DISTRICT- DARRANG
ASSAM. PIN- 784125.

5:MD. BAHARUL ISLAM MIRDHA
S/O- SAMSUL HOQUE MIRDHA

A RESIDENT OF VILL- DUNGPARA

P.O.- JANGALPARA
P.O. DALGAON

DIST- DARRANG
ASSAM

PIN- 784116

Advocate for the Petitioner : MR. N H MAZARBHUIYAN

Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 16/06/2023

Heard Mr. M.H. Saikia, learned counsel for the writ petitioner.

The writ petitioner herein, had applied for the post of Gaon Pradhan in terms of the advertisement notice dated 18/05/2022. The grievance of the petitioner is that despite belonging to the family of Gaon Bhurahs, no preference was given to his candidature as per the terms and conditions of the advertisement. On the contrary, the respondent no. 5, who does not belong to the family of Gaon Bhurahs, was selected for appointment by the authorities. Hence, this writ petition.

Mr. J. Handique, learned Standing Counsel, Revenue and DM Department, Assam on the other hand has pointed out that as per the Matriculation certificate produced by the petitioner, his date of birth is 27/06/1997 and, therefore, he was not eligible in terms of age to apply for the post of Gaon Pradhan as per the advertisement notice dated 18/05/2022. Hence, this writ petition is not maintainable.

On a careful scrutiny of the materials available on record, I find that the registration card of Board of Secondary Education, Assam (SEBA) annexed to the writ petition as Annexure-5, clearly mentions that the date of birth of the petitioner is 27/06/1997. As such, he was evidently below 30

years of age as on the date of issuance of the advertisement notice. Therefore, he was evidently under aged.

I also find that the petitioner has not mentioned his age in the affidavit filed in support of the writ petition, which also goes to show that there is an attempt on the part of the petitioner to suppress his age. Mr. Saikia, learned counsel for the petitioner has vociferously argued that as per the other documents including the affidavit sworn before the Notary Public as well as the NRC documents, the date of birth of the petitioner was different. However, the said submission of the petitioner's counsel cannot be accepted.

It is the settled law that the age reflected in the certificate issued by the SEBA has to be treated as correct, if conflicting materials are produced before the Court. Since the certificate issued by the Board clearly mentions the date of birth of the petitioner, according to which, he was not eligible to apply for the post of Gaon Bhurah, I find force in the submission of Mr. Handique.

The affidavit sworn before the Notary Public on 09/08/2022 stating that the date of birth of the petitioner is 27/06/1992 will not be sufficient for this Court to presume that the entry made in the School Certificate was incorrect. The other documents annexed to the writ petition are also not found to be reliable at all so as to presume that the petitioner's date of birth is different from what has been projected in his school certificate. As such, this Court is of the unhesitant opinion that the petitioner was not eligible to apply for the post of Gaon Pradhan under the advertisement dated 18/05/2022.

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

JUDGE

sukhamay

Comparing Assistant