

GAHC010129032014



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

Case No. : WP(C)/6703/2014

RAJENDRA NATH KALITA and 3 ORS
S/OLT. BAPU RAM KALITA R/O VIL- PACHARIA P.O. PACHARIA, P.S. HAJO
DIST. KAMRUP, ASSAM.

2: SRI TANKESWAR KALITA
S/OLT. NOWMAN CHANDRA KALITA VILL- NANARA
P.O. KANAA P.S. BAITHATA CHARIALI DIST.KAMRUP
ASSAM.

3: SRI MANIRAM NATH
S/OLT. BUDDIRAM NATH R/O VILL and P.O. MANDHKUCHI P.S. RANGIA
DIST. KAMRUP
ASSAM.

4: SRI RAMESH KALITA
S/OLT. BIRACHU RAM KALITA R/O VILL- BANMAJA P.O. PUB BARKA DIST.
KAMRUP
ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT.OF ASSAM,
DEPARTMENT OF REVENUE AND DISASTER MANAGEMENT, DISPUR,
GUWAHATI-6.

2:THE DIRECTOR OF LAND RECORDS AND
SURVEY ETC. ASSAM
RUPNAGAR
GUWAHATI-22.

3:THE DEPUTY COMMISSIONER

KAMRUP METRO

ASSAM

Advocate for the Petitioner : MR.S ALIM

Advocate for the Respondent : MR.S SARMA

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 04-05-2023

Heard Mr. B. Deuri, learned counsel for the writ petitioners. Also heard Mr. J. Handique, learned standing counsel, Revenue & DM Department, Assam appearing for the respondent Nos. 1 and 2 and Mr. H. Sarma, learned Addl. Sr. Govt. Advocate, Assam appearing for the respondent No. 3.

The four writ petitioners herein were appointed as Chainman in the office of the Settlement Officer, Guwahati and since then, they are serving as Chainman. The grievance of the writ petitioners is that although they have completed the 03 months Intensive Recorders Certificate Class Course Training (in short 'IRCCCT') and notwithstanding the fact that similarly situated Chainman had earlier been promoted to the post of Lat Mandal/ Additional Lat Mandal on the basis of the 03 months IRCCCT certificate obtained by them, the cases of the petitioners have not been considered for promotion till today. Hence, this writ petition.

It appears that the petitioners had earlier submitted representations before the respondent Nos. 2 and 3 with a request to consider their cases for promotion. However,

instead of acting on such representation, the authorities had issued advertisement notice dated 20-08-2014 inviting applications from intending candidates, who have obtained 06 months IRCCCT certificate from the Assam Survey and Settlement Training Centre, for filling up 15 vacant posts of Lat Mandal under the amalgamated establishment of the Deputy Commissioner, Kamrup (Metro).

While issuing notice of motion, this Court, however, did not grant any interim order to the petitioner, as a result of which, the appointments under the advertisement notice dated 20-08-2014 have reportedly been made by the authorities. The only question that would, therefore, survives for adjudication in the present proceeding at this point of time, is as to whether, the petitioners would be entitled to an order from this Court directing the respondents to consider their cases for promotion to the post of Lat Mandal.

Responding to the submission of the petitioners' counsel, Mr. Handique, learned standing counsel, Revenue & DM Department, Assam submits that the authorities are conscious about the long years of service rendered by the petitioners but as per the Rules, the petitioners will have to undergo 06 months course of IRCCCT from the Assam Survey and Settlement Training Centre for being appointed as Lat Mandal, since that is a mandatory requirement for being appointed as Lat Mandal. The learned departmental counsel has further submitted that if the petitioners express their willingness for undergoing the 06 months IRCCCT course from the Assam Survey and Settlement Training Centre, there cases will be processed on priority basis.

The learned counsel for the petitioner could not deny that under the Rules in force, 06 months IRCCCT certificate is necessary for promotion/ appointment to the post of Lat

Mandal but submits that the said condition was not inserted earlier. Be that as it may, if the requirement of the Rules is to have 06 months IRCCCT certificate then the same cannot be dispensed with for considering the cases of the petitioners for promotion.

Under the circumstances, this writ petition is hereby disposed of by providing that if the petitioners submit any application expressing their willingness to undergo 06 months IRCCCT from the designated institute, their applications be considered and processed on priority basis and upon completion of the course, the petitioners cases be considered for promotion to the post of Lat Mandal without any further delay.

Writ petition stands disposed of, accordingly.

JUDGE

GS

Comparing Assistant