

GAHC010152482023



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

**Case No. : WP(C)/3984/2023**

PANKAJ BHARALI  
S/O MANIK BHARALI @ MANIK CHNADRA BHARALI,  
VILL.- PACHIM KURUAH, P.O.- KURUWA, P.S.- SIPAJHAR, DIST.- DARRANG,  
ASSAM, PIN- 784145.

VERSUS

THE STATE OF ASSAM AND 5 ORS.  
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,  
REVENUE DEPTT., DISPUR, GUWAHATI- 6.

2:THE COMMISSIONER  
NORTH ASSAM DIVISION  
TEZPUR  
P.O. AND P.S.- TEZPUR  
DIST.- SONITPUR  
ASSAM  
PIN- 784001.

3:THE DEPUTY COMMISSIONER CUM CHAIRMAN  
DISTRICT SELECTION COMMITTEE  
DARRANG  
MANGALDOI  
P.S. AND P.S.- MANGALDOI  
DIST.- DARRANG  
ASSAM  
PIN- 784148.

4:ADDITIONAL DEPUTY COMMISSIONER (REVENUE)  
DARRANG  
MANGALDOI  
P.O. AND P.S.- MANGALDOI

DIST.- DARRANG  
ASSAM  
PIN- 784148.

5:THE CIRCLE OFFICER  
SIPAJHAR REVENUE CIRCLE  
SIPAJHAR  
P.O. AND P.S.- SIPAJAHAR  
DIST.- DARRANG  
ASSAM  
PIN- 784148.

6:BISWAJIT BHARALI  
S/O LATE TARUN BHARALI

VILL.- PACHIM KURUAH

P.O.- KURUWA  
P.S.- SIPAJHAR  
DIST.- DARRANG  
ASSAM  
PIN- 784145

**Advocate for the Petitioner : MR R S CHAUHAN**

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

**BEFORE  
HONOURABLE MR. JUSTICE SUMAN SHYAM**

**ORDER**

**Date : 21-07-2023**

Heard Mr. R.C. Chouhan, learned counsel for the writ petitioner.

The writ petitioner herein has participated in the recruitment process for selection and appointment of Gram Pradhan for the village Pachim Kuruwa, Mouza Sipajhar, Lot No. 8 under Sipajhar Revenue Circle, in terms of the advertisement notice dated 07-10-2022 issued by the respondent No. 3. He had appeared in the interview but when the final results were declared, the respondent No. 6 was shown as selected candidate.

Contending that being the son of the erstwhile Gram Pradhan, the petitioner was entitled to preferential treatment in the selection process, he had submitted a statutory appeal under Section 162(C) of the Executive Instruction framed under Assam Land & Revenue Regulation, 1886 before the respondent No. 2 on 12-07-2023. The grievance of the petitioner is that despite receipt of the appeal the same has neither been registered nor has any order been passed therein, as a result of which, he has been compelled to approach this Court by filing the present writ petition.

Mr. R. Dhar, learned Addl. Sr. Govt. Advocate, Assam submits that since the case of the petitioner is that he has already submitted an appeal before the respondent No. 2 and considering the fact that an appeal is maintainable in such matters, without going into the merit of the case, this Court may dispose of the writ petition with a direction upon respondent No. 2 to consider the appeal filed by the petitioner and pass appropriate order therein, in accordance with law.

Similar is the stand of Mr. S. Dutta, learned standing counsel, Revenue Department, Assam appearing for the respondent No. 1.

Mr. Chouhan is also agreeable to such a direction but he seeks an interim order of protection so that the matter does not become infructuous in the meantime.

In view of the submission made at the bar, without commenting on the merit of the claim and counter claim of the parties, this writ petition stands disposed of with a direction upon the respondent No. 2 to register the appeal filed by the petitioner and thereafter, decide the same in accordance with law.

Facilitating the above, the writ petitioner shall submit a fresh copy of memo of appeal along with a certified copy of this order before the respondent No. 2 within 10 days from today.

Insofar as the prayer for interim relief is concerned, it is hereby provided that if the respondent No. 6 has not yet been issued with the order of appointment, the same shall not be done until such time, the grounds taken in the appeal is considered by the respondent No. 2, in accordance with law.

Writ petition stands disposed of.

**JUDGE**

GS

**Comparing Assistant**