

GAHC010158782023



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

**Case No. : WP(C)/4272/2023**

RUPJYOTI SAIKIA CHANGMAI AND 8 ORS  
W/O- SRI DILIP CHANGMAI,  
RESIDENT OF VILLAGE- PUB DUBIA,  
P.O.- SANTIPUR, DIST- SONITPUR,  
ASSAM, PIN- 784178.

2: PRASANTA BARUAH  
S/O- SRI HEMESWAR BARUAH

RESIDENT OF VILLAGE- BADAL PATHAR

P.O.- ELLENGI SATRA  
DIST.- SONITPUR

ASSAM  
PIN- 784168.

3: CHANDAN HAZARIKA  
S/O- SRI NANDIRAM HAZARIKA

RESIDENT OF SOLLENGI GURI

P.O.- ELLENGI SATRA

DIST.- SONITPUR  
ASSAM

PIN- 784168.

4: DIPAK BARUAH  
S/O- SRI CHENIRAM BARUAH

RESIDENT OF VILLAGE- KAMALA PATHAR

P.O.- ELLENGI SATRA

DIST- SONITPUR  
ASSAM

PIN- 784168.

5: JITUL BARUAH  
S/O- SRI HEMCHANDRA BARUAH

RESIDENT OF VILLAGE- KUKURACHUWA

P.O.- DIFALLO SATRA

DIST- SONITPUR  
ASSAM

PIN- 784168.

6: KALPANA SAIKIA PHUKAN  
D/O- SRI BUDHIRAM SAIKIA

RESIDENT OF VILLAGE- KAKILA JARANI

P.O.- DUBIA  
DIST.- SONITPUR

ASSAM  
PIN-784178.

7: BANTI MUDOI BORAH  
W/O- SRI PURANDAR BORAH

RESIDENT OF VILLAGE- DUBAI JURHATIYA

P.O.- DUBIA  
DIST.- SONITPUR

ASSAM  
PIN- 784178.

8: NIRMALI BORAH CHOUDHURY  
D/O- SRI MAHENDRA BORA

RESIDENT OF VILL- JAMUWANI

P.O.- JANATA  
DIST.- SONITPUR

ASSAM  
PIN- 784179.

9: KAKALI HAZARIKA  
W/O- SRI HIRANKA HAZARIKA

RESIDENT OF VILL- SOLAL GAON

P.O. AND P.S.- SOOTEA

DIST- SONITPUR  
ASSAM

PIN- 784175

VERSUS

THE STATE OF ASSAM AND 11 ORS  
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE  
GOVERNMENT OF ASSAM,  
REVENUE DEPARTMENT,  
DISPUR, GUWAHATI- 781006.

2:THE COMMISSIONER  
NORTH ASSAM DIVISION  
TEZPUR  
SONITPUR  
ASSAM.

3:THE DEPUTY COMMISSIONER  
BISWANATH  
BISWANATH CHARIALI  
ASSAM.

4:KRISHNA GOGOI  
S/O- BIJOY CHANDRA GOGOI

VILL- PUB-DUBIA  
P.O.- SANTIPUR

DIST.- SONITPUR  
ASSAM

PIN- 784178.

5:KHARGESWAR BORAH  
S/O- KHAGEN BORAH

VILL- BORGHULI

P.O.- ELLENGI SATRA (GOHPUR)

DIST.- SONITPUR  
ASSAM

PIN- 784168.

6:MOUSUMI HAZARIKA SAIKIA  
W/O- SRI BENUDHAR SAIKIA

VILL- SOLLENGI GURI

P.O.- ELLENGI SATRA

DIST.- SONITPUR  
ASSAM

PIN- 784168.

7:PRANJAL BORAH  
S/O- SRI HEMANTA BORAH

VILL- KHARANIJAN  
KAMALA PATHAR

P.O.- ELLENGI SATRA (GOHPUR)

DIST.- SONITPUR  
ASSAM

PIN- 784168.

8:BADHEN BEZBARUAH  
S/O- SRI MOHORAM BAZBARUAH

RESIDENT OF VILLAGE- KUKURACHUWA

P.O- DIFALLO SATRA

DIST- SONITPUR  
ASSAM

PIN- 784178.

9:RAJU SAIKIA

S/O- PUNESWAR HAZARIKA

VILL- KAKILA JARANI

P.O.- DUBIA  
DIST.- SONITPUR

ASSAM  
PIN- 784178.

10:LALIT BORAH  
S/O- SRI RAMESWAR BORAH

RESIDENT OF VILLAGE- DUBIA JURHATIYA

P.O.- DUBIA  
DIST.- SONITPUR

ASSAM  
PIN- 784178.

11:PANKAJ BORAH  
S/O- SRI DOLAN BORAH

VILL- JAMUWANI

P.O.- JANATA

DIST.- SONITPUR  
ASSAM

PIN- 784179.

12:DIGANTA SAIKIA  
S/O- SRI PURNA SAIKIA

RESIDENT OF VILL- SOLAN GAON

P.O. AND P.S.- SOOTEA

DIST- SONITPUR  
ASSAM

PIN- 784175

**Advocate for the Petitioner : MR. L GOGOI**

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

**BEFORE  
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

**ORDER**

**15.09.2023**

Heard Shri L. Mohan, learned counsel for the petitioners, who are aggrieved by a selection process for the post of Gaon Pradhan in various lots in the district of Biswanath. The petitioners claimed preferential treatment being the family members of the ex-Gaon Pradhan. It is the case of the petitioners that they had appeared in the interview held on 20.08.2022 to 24.08.2022 in the Office of the Deputy Commissioner, Biswanath, whereafter, a Select List was published on 01.11.2022 whereby the private respondents were selected. The petitioners allege gross anomalies in such selection. The petitioners have also claimed to have preferred appeals before the Commissioner of North Assam Division which were not taken up for consideration and therefore the present application was filed.

Also heard Shri A. Phukan, learned Standing Counsel, GAD whereas Shri S. Dutta, learned Standing Counsel has appeared for the Revenue Department and Ms. M. Bhattacharjee, learned Additional Senior Government Advocate, Assam.

The learned counsel for the respondents have however submitted that there is a change in the appellate authority from the Divisional Commissioner to the Commissioner & Secretary / Principal Secretary of the General Administration Department, Assam and in this connection, a notification dated 17.07.2023 is placed before this Court.

In view of the aforesaid fact, this Court is of the opinion that even without issuing notice to the private respondents, the writ petition can be disposed of in

the following manner, which will not cause prejudice to the said private respondents.

This Court accordingly directs the present appellate authority, namely, Commissioner & Secretary / Principal Secretary of the General Administration Department, Assam to take the appeals into consideration and dispose of the same expeditiously and preferably within an outer limit of 90 days from today.

It is needless to state that while making such consideration, the stake holders and affected parties may be given an opportunity of hearing. Further, to facilitate such consideration, the petitioners are directed to submit duplicate copies of the appeal before the present appellate authority.

It is also clarified that since the earlier appeals were said to be within time, the question of limitation would not arise and the appeal would be considered on merits.

The writ petition accordingly stands disposed of.

A copy of the notification dated 17.07.2023 is made a part of the records.

**JUDGE**

**Comparing Assistant**