

GAHC010160872021



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

Case No. : WP(C)/5495/2021

JADU RAM SARKAR AND ANR
S/O LT. LAKHI KANTA SARKAR, VILL-SHALBARI, P.O.-BOITAMARI, P.S.-
ABHAYAPURI, DIST-BONGAIGAON, ASSAM, PIN-783389

2: AKKAS ALI AHMED
S/O MD. SIRAJ ALI
VILL- CHAPRAKATA PART II
P.O.-CHAPRAKATA
P.S. AND DIST- BONGAIGAON
ASSAM
PIN-78338

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, REVENUE DEPARTMENT, DISPUR, ASSAM,
GHY-6

2:THE DIRECTOR OF LAND RECORDS AND SURVEYS ETC.
ASSAM
RUPNAGAR
GHY-32

3:THE DEPUTY COMMISSIONER
BONGAIGAON
DIST-BONGAIGAON
ASSAM

4:THE CIRCLE OFFICER
BONGAIGAON REVENUE CIRCLE
P.S.
P.O. AND DIST-BONGAIGAON
ASSAM

5:THE CIRCLE OFFICER
SRIJANGRAM REVENUE CIRCLE
P.O. AND P.S.-ABHAYAPURI
DIST-BONGAIGAON
ASSAM

6:THE CIRCLE OFFICER
MANIKPUR REVENUE CIRCLE
P.S. AND P.O.-MANIKPUR
DIST-BONGAIGAON
ASSAM

7:THE CIRCLE OFFICER
BOITAMARI REVENUE VIDE
BOITAMARI
P.O.-BOITAMARI
P.S.-ABHAYAPURI
DIST-BONGAIGAON
ASSA

Advocate for the Petitioner : MR. M U MAHMUD

Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 01.06.2023

Heard Mr. M.U. Mahmud, the learned counsel appearing on behalf of the Petitioners. Mr. J. Handique, the learned counsel appears for the Respondent Nos. 1 & 2 and Mr.R. Dhar, the learned counsel appears for the respondent Nos. 3 to 7.

2. The case of the petitioners herein is that the petitioners were appointed by the All Assam Gaonburah Santha upon being selected by the people. The claim of the petitioners herein is that on the basis of being appointed as honorary Gaonburahs by the All Assam Gaonburah Santha, a direction be issued to the

Deputy Commissioner, Bongaigaon to submit the proposal regarding the appointment of the petitioners as Gaonburahs in their respective villages in terms with Government's letter dated 10/1/2020 as well as also for a direction upon the respondents to appoint the petitioners as Gaonburahs against their respective villages.

3. It appears that on 6/1/2016 the Commissioner and Secretary to the Government of Assam, Revenue & Disaster Management Department in the name of the Governor had issued a notification thereby amending the provisions of the Assam Land and Revenue Regulation, 1886 and the Executive Instructions as provided in Clauses 160 to 167 in regard to the minimum qualification, duties, responsibilities and capacity-building of Gaonburah in Assam.

4. In terms with Clause 1 of the said Notification, it has been mentioned that the Government of Assam may provide for appointment of Gaonburah for one or more revenue villages in the whole of the State, as per the norms laid down and notified in that regard. Clause 2 of the said Notification refers to the minimum qualifications required. Clause 3 stipulates about the age of the superannuation and when a Gaonburah can be removed from the job. Clause 4 relates to the duties and responsibilities of the Gaonburahs. Clause 5 relates to capacity-building of the Gaonburahs and Clause 6 relates performance appraisal of the Gaonburahs in question.

5. It further appears that thereupon this notification dated 6/1/2016 was cancelled by the Governor of Assam on the basis of another notification dated 10/4/2018 whereby the instructions 160 to 164 as contained in the Executive Instructions under the Assam Land & Revenue Regulation, 1886 was substituted.

6. From a perusal of the said Notification dated 10/4/2018, it shows that the appointment of a Gaonburah has to be made on the basis of a selection to be carried out by the Selection Board in terms with Executive Instructions 162(2) of the Notification dated 10/4/2018.

7. Taking into account the claim of the petitioners in the writ petition, this Court further finds it relevant to refer to Executive Instructions 162 (1) (v) wherein it has been mentioned that preference shall be given to the family members of the Gaonburahs and the views of the Mauzadhars shall be taken into consideration. Further to that, it is also relevant herein to mention that the Notification dated 10/4/2018 was further amended by the Notification dated 19/7/2019.

8. Be that as it may, it is apparent from the Notification dated 10/4/2018 as amended till date that there is a selection procedure on the basis of the qualifications set out in Clause 162(1) for the purpose of appointment of a Gaonburah. It is also relevant to take note of that the Notification dated 10/4/2018 has not been put to challenge in the instant proceedings.

9. In that view of the matter, the reliefs which have been sought for by way of the writ petition cannot be granted in view of the Notification dated 10/4/2018 as amended up to date. Considering the above, this Court therefore does not find any merit in the writ petition for granting the relief sought for. Accordingly, the writ petition stands dismissed.

JUDGE

Comparing Assistant