

GAHC010214802023



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

Case No. : WP(C)/5581/2023

BANDUR GOUR

S/O- LATE SITARAM GOUR, R/O- VILL- SARUPATHAR, P.O. RENG BENG, P.S.
KAMPUR, PIN- 78247, DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS

REPRESENTED BY THE COMMISSIONER AND SECRETARY, GOVT. OF
ASSAM, REVENUE AND DISASTER MANAGEMENT (LR) DEPARTMENT,
DISPUR, GHY-781006, DIST. KAMRUP(M), ASSAM

2:THE PRINCIPAL SECRETARY

GOVT. OF ASSAM

GENERAL ADMINISTRATION DEPARTMENT

DISPUR

KAMRUP(M)

GHY-781005.

3:THE DEPUTY COMMISSIONER

NAGAON

NAGAON

OLD TRUNK ROAD

PIN- 782001

ASSAM

4:THE ADDITIONAL DEPUTY COMMISSIONER

REVENUE (NAGAON)

NAGAON

OLD TRUNK ROAD

PIN- 782001

ASSAM

5:THE CIRCLE OFFICER

NAGAON
NAGAON SADAR REVENUE CIRCLE
DIST. NAGAON
ASSAM

6:MRINAL MAJUMDAR
S/O- GAMAN MAJUMDAR
R/O- VILL.- RENGBENG
P.O. RENGBENG
P.S. KAMPUR
PIN- 782427
DIST. NAGAON
ASSA

Advocate for the Petitioner : MR H K BARUAH

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

22.09.2023

1. Heard Mr. H.K. Baruah, learned counsel for the petitioner, who submits that the petitioner had taken part in the selection process for filling up the post of Gaonburah/Gaon Pradhan in respect of Lot No.4 of Village Rengbeng/Sarupathar of Kothiatoli Mouza under Kamrup Revenue Circle, Nagaon, in pursuant to the Advertisement dated 05.09.2022. The selection of the respondent no.6 as Gaonburah/Gaon Pradhan for the aforesaid Lot, was put to challenge by the petitioner under the amended Executive Instruction No.162-C before the Divisional Commissioner, Central Assam Division, Nagaon. He submits that in view of the offices of the Divisional Commissioners in the State being abolished, the petitioner's appeal which is registered as RR (CAD) 43/2023 has come to a standstill.

2. Mr. S. Dutta, learned Standing Counsel, Revenue for the respondent no. 1; Mr. A. Phukan, learned Standing Counsel, GAD for the respondent no.2 and Mr. C.K.S. Baruah, learned Government Advocate, Assam for the respondent nos.3 & 4 submit that in terms of the Notification No. e file No. 304149/1 dated 17.07.2023, the assets of the abolished Divisional Commissioners' establishment and employees would come under the establishment of the District in which the headquarter of the Divisional Commissioner is located. Further, the statutory powers and administrative powers exercised by the Divisional Commissioner would be exercised by the Commissioner and Secretary/Principal Secretary of General Administration Department.

3. I have heard the learned counsels for the parties and perused the Notification dated 17.07.2023, issued by the Commissioner and Secretary/Principal Secretary of General Administration Department, which is to the following effect :

*“ORDERS BY THE GOVERNOR OF ASSAM
NOTIFICATION
Dated Dispur the July, 2023.*

e file No 304149/1 :- For administrative convenience and in the interest of public service and in order to bring administration closer to the people by providing adequate power and authority to the Deputy Commissioner of the District and in the interest of public service, the Governor of Assam is pleased to abolish the offices of Divisional Commissioners in the State with immediate effect.

The assets of the existing Divisional Commissioners' establishment and the employees will come under the establishment of the district in which the headquarter of the Divisional Commissioner is at present located. The statutory powers and administrative powers as exercised by Divisional Commissioner at present will henceforth be exercised by the

Commissioner & Secretary/Principal Secretary of General Administration Department."

4. The above notification shows that the offices of Divisional Commissioners have been abolished and their functions would now be taken over by the Commissioner and Secretary/Principal Secretary of the General Administration Department. As such, the appeal filed by the petitioner, against the selection of the respondent no.6 to the post of Gaonburah, would have to be now decided by the Commissioner and Secretary/Principal Secretary of the General Administration Department, Government of Assam. Accordingly, the Deputy Commissioner, Nagaon and the Additional Deputy Commissioner (Revenue), Assam shall immediately take steps to transmit the RR (CAD) 43/2023 which had been pending before the Divisional Commissioner, Central Assam Division to the Commissioner and Secretary/Principal Secretary of General Administration Department, Government of Assam, who shall thereafter dispose of the same, in terms of the above Notification. The Deputy Commissioner, Nagaon and the Additional Deputy Commissioner (Revenue), shall ensure that the records of the appeal mentioned above are brought to the office of the Commissioner and Secretary/Principal Secretary of General Administration Department within a period of 2 (two) weeks from the date of receipt of a copy of this order.

5. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant