

GAHC010226082023



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

Case No. : WP(C)/5921/2023

RIPUL BHUYAN
SON OF SRI JITEN BHUYAN, RESIDENT OF VILLAGE- BAR AMRIKHOWA
(BARSHALA BEELAR PATHAR), P.O. AMRIKHOLA , P.S. SARTHEBARI,
DISTRICT- BARPETA, ASSAM, PIN NO. 781307

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE ADDL. CHIEF SECRETARY TO THE GOVERNMENT
OF ASSAM, REVENUE AD DISASTER MANAGEMENT (L.R.) DEPARTMENT,
DISPUR, GUWAHATI-6

2:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
GENERAL ADMINISTRATION (B) DEPARTMENT
DISPUR
GUWAHATI-6

3:DISTRICT COMMISSIONER (ERSTWHILE DEPUTY COMMISSIONER)
BARPETA
P.O. AND P.S. BARPETA
PIN- 781301

4:ADDITIONAL DEPUTY COMMISSIONER
(OFFICE OF THE DISTRICT COMMISSIONER)
BARPETA
PIN- 781301

5:HITESH BARMAN
SON OF MURALIDHAR BARMAN
RESIDENT OF VILLAGE- BAR AMRIKHOWA (BARSHALA)
P.O. AMRIKHOLA
P.S. SARTHEBARI

DISTRICT- BARPETA
ASSAM
PIN- 78130

Advocate for the Petitioner : MR. S K DAS

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

09.10.2023

Heard Shri SK Das, learned counsel for the petitioner. Also heard Shri J. Handique, learned Standing Counsel, Revenue Department as well as Shri A. Phukan, learned Standing Counsel, GAD and Shri D. Bora, learned State Counsel.

2. Considering the subject matter involved and the facts and circumstances, this writ petition is taken up for disposal at the motion stage itself.

3. The petitioner is an aspirant for the post of Gaon Pradhan which was sought to be filled up by an advertisement dated 03.09.2022. The concerned charge is Charge No. 23, Mouza – Sarukhetri under Sarthebari Revenue Circle in the district of Barpeta.

4. In the selection process, the respondent no. 5 was selected and according to the petitioner, the respondent no. 5 did not fulfill the eligibility criteria more specifically for possessing landed properties. In this connection, the petitioner had earlier approached this Court by means of a writ petition being WP(C)/2170/2023 prior to which a statutory appeal was also preferred being Appeal Case No. RR-37/2023. The said writ petition was disposed of on 21.04.2023 with a direction for consideration of the appeal within a period of 60

days.

5. Shri Das, learned counsel for the petitioner has submitted that while the appeal was in the process of being adjudicated and disposed of, there were certain change in the procedure whereby the appellate authority was changed from the Divisional Commissioner to the Principal Secretary, General Administration Department. Shri Das, learned counsel has also drawn the attention of this Court to the parawise comments from which he submits that the contention of the petitioner appears to be substantiated. It is also contended that though the earlier appellate authority had held the hearing for one day, the same could not be continued due to the change as noted above. The learned counsel accordingly submits that a direction be issued that the matter be taken up by the present appellate authority and the appeal be disposed of expeditiously.

6. The learned counsel for the respondents do not object to the aforesaid prayer in principle.

7. Considering the aforesaid submission, the instant writ petition is disposed of by directing the present appellate authority namely, the Principal Secretary, GAD, Government of Assam to take on board the appeal being Appeal Case No. RR-37/2023 by getting the records called from the erstwhile appellate authority and dispose of the appeal expeditiously and preferably within an outer limit of 45 days from today as there was already a direction of this Court in WP(C)/2170/2023 for disposal of the appeal within 60 days.

8. To facilitate such disposal, the petitioner may also furnish duplicate copy of all the documents to the present appellate authority which may be done within a week from today.

9. The writ petition accordingly stands disposed of.

JUDGE

Comparing Assistant