

GAHC010243732019



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

Case No. : WP(C)/7491/2019

SHRI HIREN KALITA
S/O- LT NARENDRA NATH KALITA, R/O- VILL- AND P.O. MAHINA, P.S.
GHOGRAPAR DIST- NALBARI, ASSAM, PIN- 781349

VERSUS

THE STATE OF ASSAM AND 7 ORS.
REP. BY THE ADDL. CHIEF SECY. TO THE GOVT. OF ASSAM, REVENUE
AND D.M. DEPTT., ASSAM SECRETARIAT (CIVIL), DISPUR, GHY-6, ASSAM

2:THE COMM. AND SECY. TO THE GOVT. OF ASSAM
REVENUE AND D.M. (L.R.) DEPTT.
ASSAM SECRETARIAT (CIVIL)
DISPUR
GHY-6
ASSAM

3:THE JOINT SECRETARY TO THE GOVT. OF ASSAM
REVENUE AND D.M. (L.R.) DEPTT.
ASSAM SECRETARIAT (CIVIL)
DISPUR
GHY-6
ASSAM

4:THE DY. COMMISSIONER
DIST- NALBARI
NALBARI
ASSAM
PIN- 781335

5:THE ADDL. DY. COMMISSIONER (REVENUE)
DIST- NALBARI

NALBARI
ASSAM
PIN- 781335

6:THE CIRCLE OFFICER
GHOGRAPAR REVENUE CIRCLE
GHOGRAPAR
DIST- NALBARI
ASSAM
PIN- 781369

7:SAMAR KALITA
S/O- LT PRABIN KALITA
R/O- VILL AND P.O. MAHINA
P.S. GHOGRAPAR
DIST- NALBARI
ASSAM
PIN- 781349

8:SHRI BHABESH TALUKDAR

S/O LT. JAGAT CH. TALUKDAR

VILL. BAGHMANA
P.O. MAHINA
P.S. GHOGNOPAR
DIST. NALBARI
ASSAM
PIN 78134

Advocate for the Petitioner : MR. P J SAIKIA

Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 16/05/2023

Heard Mr. M. Nirola, learned counsel appearing for the writ petitioner. Also heard Mr. S. Dutta, learned Standing Counsel, Revenue and DM Department, Assam, appearing for the respondent nos. 1, 2, and 3 as well as Mr. J.K. Goswami, learned Additional Senior Government Advocate, Assam,

appearing for the respondent nos. 4, 5 & 6. Mr. P.D. Nair, learned counsel has appeared on behalf of the respondent no. 7 and Mr. S.K. Goswami, learned counsel is present on behalf of the respondent no. 8.

In this writ petition, a challenge has been made to the selection and appointment of respondent no. 7 as the Gaon Burah in respect of Mahina Gaon in the district of Nalbari, Assam.

The case of the writ petitioner, in a nutshell, is that on 01/08/2019, the Deputy Commissioner of Nalbari district i.e. the respondent no. 4, had issued an advertisement notice inviting applications for filling up the posts of Gaon Burahs in Mahina as well as Baghmara gaon in the district of Nalbari. The advertisement notice did not, however, contain any clause giving preference to the family members of Ex-Gaon Burahs. Aggrieved thereby, the writ petitioner had submitted a representation dated 10/08/2019 before the respondent no. 4 with a prayer to include a preferential clause in the advertisement notice dated 01/08/2019. However, no action was taken on the aforesaid representation of the petitioner. The petitioner had in the meantime, participated in the selection process but he could not get selected. Eventually, the respondent no. 7 was selected for appointment as Gaon Burah for Mahina village whereas the respondent no. 8 was selected for appointment as Gaon Bruah in Baghmara village. Since the petitioner has not challenged the selection and appointment of the respondent no. 8, this Court would refrain from dealing with the said aspect of the matter. The only challenge in this writ petition is to the selection and appointment of respondent no. 7 as the Gaonburah of Mahina Gaon.

What is to be noted herein that the selection process has already been concluded. The petitioner had also participated in the said selection process but has emerged as unsuccessful candidate. Merely because the writ petitioner is seeking insertion of a particular clause in the advertisement notice, that by itself cannot be a ground to interfere with the order of appointment of the respondent no. 7. There is no other ground urged by the petitioner assailing the selection and

appointment of the respondent no. 7. Under the circumstances, this Court is of the opinion that there is no justifiable ground for this Court to entertain the writ petition. This writ petition is, therefore, held to be devoid of any merit and is accordingly dismissed.

Interim order passed earlier stands vacated.

Notwithstanding the order passed in this case, it would be open to the respondent authorities to consider as to whether or not a clause giving preferential treatment to the family members of Ex-Gaonburahs should be incorporated in the advertisement notice for appointment of Gaonburahs in future.

The writ petition stands disposed of accordingly.

JUDGE

sukhamay

Comparing Assistant