

GAHC010258622023



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

Case No. : WP(C)/6695/2023

FAKAR UDDIN SARKAR
SON OF ABDUL HAMID SARKAR,
RESIDENT OF VILLAGE- KHAIRABARI,
P.O.- KHAIRABARI, P.S. BARPETA ROAD,
DISTRICT- BARPETA, ASSAM,
PIN- 781315.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE ADDL. CHIEF SECRETARY TO THE GOVERNMENT
OF ASSAM,
REVENUE AND 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
ASSAM

PIN- 781301.

4:ADDITIONAL DEPUTY COMMISSIONER
(OFFICE OF THE DISTRICT COMMISSIONER)

BARPETA
PIN- 781301.

5:SUJIT SAHA
SON OF LATE NIRANJAN SAHA

RESIDENT OF VILLAGE- KHAIRABARI

P.O.- KHAIRABARI

P.S.- BARPETA ROAD

DISTRICT- BARPETA
ASSAM

PIN- 781315

Advocate for the Petitioner : MR. S K DAS

Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 22-11-2023

Heard Mr. S.K. Das, learned counsel for the writ petitioner. Also heard Mr. J.K. Goswami, learned Addl. Sr. Govt. Advocate, Assam appearing for the State, Mr. S. Dutta, learned standing counsel, Revenue & DM Department, Assam for respondent No. 1 and Mr. A. Phukan, learned standing counsel, GAD appearing for the respondent No. 2.

The writ petitioner is aggrieved due to his non-selection for the post of Gram Pradhan of Charge No. 20 of Mouza Gobardhana under Barnagar Revenue Circle, Sarbhog in Barpeta. The petitioner had submitted his candidature for the post of Gram Pradhan in response to the advertisement notice dated 03-09-2022. However, on conclusion of the process, the respondent No. 5 was selected for appointment as Gram Pradhan in the aforesaid village. Assailing the selection of respondent No. 5 as Gram Pradhan on the

grounds that he had failed to submit Permanent Resident Certificate and Bakijai Clearance Certificate as required under Clause-3(V) of the notification dated 10-04-2018 as well as Clause-10(8) and 10(9) of the advertisement notice, the instant writ petition has been filed.

It has been brought to the notice of this Court that the petitioner has already filed an appeal registered and numbered as RR 18/2023 before the Lower Assam Divisional Commissioner but due no progress has been made in the appeal. Hence, this writ petition.

Mr. J.K. Goswami as well as Mr. A. Phukan appearing for the respective departments submit that after the abolition of the post of Divisional Commissioner, all records of such appeals are now being transmitted for being heard and disposed of by the Principal Secretary, Revenue & DM Department, Assam and therefore, the appeal preferred by the petitioner will also be disposed of in a time bound manner.

If that be so, taking note of the submissions made by learned counsel for the parties as well as upon taking note of the similar orders passed by this Court in earlier proceedings, this writ petition stands disposed of by providing that the records in connection with the appeal filed by the petitioner be transmitted from the office of the Lower Assam Divisional Commissioner to the office of the Principal Secretary, Revenue & DM Department, Assam, within 03 weeks from today, if not already done. Thereafter, the appeal be considered and disposed of on merit, as expeditiously as possible, but not later than 60 days from the date of receipt of the records.

With the above observation, this writ petition stands disposed of.

JUDGE

GS

Comparing Assistant