

GAHC010278752023



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

**Case No. : WP(C)/7216/2023**

SHAHAR ALI KHAN  
S/O NABA KHAN, R/O VILL- NO. 3 BAGHMAR CHAR, P.O.-BAGHMARA  
CHAR, DIST-BARPETA, ASSAM, PIN-781127

VERSUS

THE STATE OF ASSAM AND 4 ORS  
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT.  
OF ASSAM, REVENUE AND DISASTER MANAGEMENT (LR) DEPARTMENT,  
DISPUR, GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM  
REVENUE AND DISASTER MANAGEMENT (LR) DEPTT.  
DISPUR  
GUWAHATI-781006

3:THE COMMISSIONER OF LOWER ASSAM DIVISION  
PANBAZAR  
GUWAHATI-781001

4:THE DISTRICT COMMISSIONER  
BARPETA  
P.O. AND DIST-BARPETA  
ASSAM  
PIN-781301

5:THE CIRCLE OFFICER  
BAGHBOR REVENUE CIRCLE  
MANDIA  
DIST-BARPETA  
ASSAM  
PIN-78130

**Advocate for the Petitioner** : MR. B C DAS

**Advocate for the Respondent** : SC, REVENUE

Linked Case : WP(C)/195/2023

HAFIZUR RAHMAN  
S/O- AMZAD ALI KHAN  
R/O- VILL- NO.3  
BAGHMARA CHAR  
P.O- BAGHMARA CHAR  
DIST- BARPETA  
ASSAM  
PIN- 781127

VERSUS

THE STATE OF ASSAM AND 4 ORS  
REP. BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT OF ASSAM  
REVENUE AND DISASTER MANAGEMENT (LR) DEPTT  
DISPUR  
GHY- 06

2:THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM  
REVENUE AND DISASTER MANAGEMENT (LR) DEPTT  
DISPUR  
GHY- 06

3:THE DEPUTY COMMISSIONER  
BARPETA  
P.O AND DIST- BARPETA  
ASSAM  
PIN- 781301

4:THE ADDITIONAL DEPUTY COMMISSIONER  
P.O AND DIST- BARPETA  
ASSAM  
PIN- 781301

5:SHAHAR ALI KHAN  
S/O- NABA KHAN  
VILL- NO.3  
BAGHMARA CHAR  
P.O- BAGHMARA CHAR

DIST- BARPETA  
ASSAM  
PIN- 781127  
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Advocate for : MR. I H SAIKIA

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND 4 ORS

**BEFORE  
HONOURABLE MR. JUSTICE SUMAN SHYAM**

**ORDER**

**Date : 19-12-2023**

Heard Mr. B.C. Das, learned Senior Counsel appearing for the writ petitioner in WP(C) 7216/2023 as well as the respondent No. 5 in WP(C) No. 195/2023. Also heard Mr. I.H. Saikia, learned counsel appearing for the petitioner in WP(C) 195/2023. Mr. S. Dutta, learned Standing Counsel, Revenue Department, Assam, and Mr. J.K. Goswami, learned Additional Senior Government Advocate, Assam, are present on behalf of the official respondents.

Both these writ petitions have been listed together on the basis of the order dated 15.12.2023 passed by this Court in WP(C) No. 7216/2023. The facts of the case involved in WP(C) 7216/2023, in a nutshell, are to the effect that pursuant to the advertisement dated 03.09.2022 issued by the concerned authorities for filling up the post of Gaon Pradhan in respect of Charge No. 33, Baghabar, under Baghbar Mouza in the district of Barpeta, the writ petitioner had submitted his application. Eventually, the petitioner was selected. However, the selection of the petitioner for appointment as Gaon Pradhan was called into question by the writ petitioner in WP(C) 195/2023 by filing an appeal before the Lower Assam Divisional Commissioner, under Rule 162(c) of the Executive Instructions framed under the Assam Land and Revenue Regulation, 1886, which is pending disposal. Due to the pendency of the aforesaid appeal and other writ proceedings instituted by the petitioner in WP(C) 195/2023, the process of

appointment of the writ petitioner as Gaon Pradhan has been stalled.

Mr. Das, learned Senior Counsel submits that, at present, save and except WP(C) 195/2023 and the appeal preferred by the petitioner in the said proceeding against selection of his client, there is no other pending proceeding coming in the way of appointment of the writ petitioner as Gaon Pradhan. Contending that there is no stay order coming in the way of issuance of the order of appointment in favour of the writ petitioner in WP(C) 7216/2023, Mr. Das has prayed for issuing a direction to the authorities either to issue the order of appointment in favour of the petitioner or to dispose of the pending appeal expeditiously and in a time-bound manner.

It appears that the issue involved in WP(C) 195/2023 is pertaining to the age limit for appointment as Gaon Pradhan, prescribed by the authorities vide Corrigendum dated 27.10.2022. As such, the said issue cannot be said to be directly related with the questions pertaining to validity of the selection of the petitioner in WP(C) 7216/2023 for appointment as Gaon Pradhan.

Mr. Goswami, learned Additional Senior Government Advocate, Assam, submits that due to abolition of the post of Divisional Commissioners, there has been some delay in disposal of this type of appeals. However, according to Mr. Goswami, the Principal Secretary, Revenue & Disaster Management Department, Government of Assam, has now been entrusted with the jurisdiction to decide these appeals and, therefore, if a direction is issued by this Court, the pending appeal with regard to the petitioner will also be disposed of expeditiously.

Mr. Saikia, learned counsel appearing for the petitioner in WP(C) 195/2023 submits that until disposal of the appeal preferred by his client, no order of appointment be issued in favour of the petitioner in WP(C) 7216/2023.

Taking into account the submissions of the learned counsel for both sides and in view of the facts and circumstances of the case, the writ petition, being WP(C) 7216/2023, is being disposed of with the direction upon the concerned authorities to

consider the Appeal No. RR 08/2023 filed by Md. Hafizur Rahman against the selection of the writ petitioner in WP(C) 7216/2023 as Gaon Pradhan, and dispose of the same as expeditiously as possible, but not later than 45 (forty-five) days from the date of receipt of a certified copy of this order. Depending on the outcome of the appeal, necessary steps for issuance of order of appointment in favour of the petitioner be taken without further delay.

It is made clear that pendency of WP(C) 195/2023 shall not be a bar for the authorities to take appropriate decision in the appeal in the light of the observations made hereinabove.

With the above observations and directions, WP(C) 7216/2023 stands disposed of.

WP(C) 195/2023 be segregated from WP(C) 7216/2023 and listed separately for admission hearing in due course.

**JUDGE**

**Comparing Assistant**