

GAHC010281322023



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

Case No. : WP(C)/7314/2023

NANDA DAS
D/O- LATE KARUNA DAS,
JUNIOR ASSISTANT (LOWER DIVISION ASSISTANT),
O/O THE DISTRICT FISHERY DEVELOPMENT OFFICER, CACHAR,
SILCHAR, PIN- 788001.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE PRINCIPAL SECY. TO THE GOVT. OF ASSAM,
DEPTT. OF FISHERY,
DISPUR, GUWAHATI, PIN- 781006.

2:THE SECY. TO THE GOVT. OF ASSAM
DEPTT. OF FISHERY

DISPUR
GUWAHATI

PIN- 781006.

3:THE DIRECTOR OF FISHERIES
ASSAM
MEEN BHAWAN
GOPINATH NAGAR

GUWAHATI
PIN- 781016.

4:THE DISTRICT FISHERY DEVELOPMENT OFFICER
CACHAR
SILCHAR

PIN- 788001.

5:DY. DIRECTOR OF FISHERIES
SAZ-CUM-CHAIRMAN
DIST. LEVEL SELECTION COMMITTEE
CACHAR

SILCHAR
PIN- 788001.

6:SMT. PURABI NATH
JUNIOR ASSISTANT (LOWER DIVISION ASSISTANT)

O/O THE DISTRICT FISHERY DEVELOPMENT OFFICER
CACHAR

SILCHAR
PIN- 788001

Advocate for the Petitioner : DR G J SHARMA

Advocate for the Respondent : SC, FISHERY

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

18.12.2023

Heard Mr. G. J. Sharma, learned counsel for the petitioner. Also heard Ms. M. D. Borah, learned Standing Counsel, Fisheries Department, Assam appearing for the respondent Nos.1 to 5.

The writ petitioner herein is presently working as a Junior Assistant (LDA) in the establishment of District Fishery Development Officer, Cachar. Being aggrieved by the provisional Gradation List of Junior Assistants wherein, the respondent No.6, who is junior in service to the petitioner, has been shown above her, the instant writ petition has been filed *inter-alia* contending that the respondents have arbitrarily assigned higher seniority position to the respondent No.6 in the

said gradation list.

Mr. Sharma submits that immediately on receipt of a copy of the provisional gradation list, which was forwarded to her on 02.11.2023, the petitioner had submitted a written objection dated 04.11.2023 protesting about the anomaly in the gradation list. However, notwithstanding the receipt of the objection, the respondent No.5 has not only failed to take any action in the matter but has also ignored her objection. On the contrary, the petitioner has learnt from reliable sources that efforts are on to promote the respondent No.6 to the cadre of Senior Assistant on the basis of the aforesaid anomalous gradation list as circulated by the departmental authorities. Hence, this writ petition.

Ms. M. D. Borah, learned Standing Counsel, Fisheries Department, Assam submits that she is yet to receive instruction in this case.

Be that as it may, having regard to the nature of grievance expressed in the writ petition and the submission made at the Bar, this Court is of the opinion that the objection submitted by the writ petitioner against the provisional gradation list would have to be disposed of by the authorities before finalising the gradation list. It is only thereafter the question of promoting the candidates on the basis of the gradation list would arise.

Therefore, without expressing any opinion on the merit of the claim of the petitioner, this writ petition stands disposed of by providing that the objection submitted by the writ petitioner protesting against the higher seniority assigned to the respondent No.6 be dealt with and be disposed of by a speaking order before finalising the gradation list. Until such time the aforesaid exercise is completed, no promotion on the basis of the impugned gradation list shall be given to any departmental candidate.

Facilitating the above, the petitioner to produce a certified copy of this order by enclosing a copy of the objection dated 04.11.2023 before the respondent No.3. Whatever be the outcome of the process, the same be communicated to the writ petitioner in writing.

Writ petition stands disposed of accordingly.

JUDGE

Comparing Assistant