

GAHC010033092024



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

Case No. : WP(C)/847/2024

MUNINDRA HALOI
S/O- SHRI BHUBANESHWAR HALOI, RESIDENT OF VILLAGE- PANIGAON,
P.O. PANIGAON, P.S. BELSOR, DISTRICT- NALBARI, PIN- 781303, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, REVENUE AND DISASTER MANAGEMENT
(L.R.) DEPARTMENT, ASSAM, DISPUR, GUWAHATI-06

2:THE DISTRICT COMMISSIONER
NALBARI
ASSAM- 781335

3:THE ADDITIONAL DISTRICT COMMISSIONER (GAON PRADHAN)
NALBARI
AS MEMBER SECRETARY
SELECTION COMMITTEE
NALBARI
ASSAM- 781335

4:THE CIRCLE OFFICER
PASCHIM NALBARI REVENUE CIRCLE
NALBARI
ASSAM- 781304

5:SRI BINOD HALOI
S/O- LATE MADAN HALOI
RESIDENT OF VILLAGE- PANIGAON
P.O. PANIGAON
P.S. BELSOR

DISTRICT- NALBARI
PIN- 781303
ASSA

Advocate for the Petitioner : MR. P K DEKA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 19.02.2024

Heard Mr. P. K. Deka, learned counsel for the petitioner.

2. Pursuant to a Notice dated 26.05.2022 issued by the District Commissioner, Nalbari for appointment of Gaon Pradhan in 101 vacant post under Revenue Circles of Nalbari District, the petitioner who is the son of previous Gaon Pradhan of Panigaon, Lat No.1 applied for the said post. However, in the result that was published on 09.02.2024, the private respondent namely, Binod Haloi was selected. The petitioner relies on Clause-12 of the Notice dated 26.05.2022 which provides that applicants who are from the family of Gaon Pradhan will be given preference and remarks from the Mouzadar will be considered with regard to his claim for the post of Gaon Pradhan of Panigaon Lat No.1. The petitioner also places reliance in the Certificates issued by the Mouzadar, Mouza Pokuwa dated 08.06.2022, which has been issued in favour of the petitioner.

3. Mr. S. Dutta, learned standing counsel, Revenue and Disaster Management Department/respondent No.1 submits that in view of the amendment of Executive Instruction No. 162(C), an appeal against the order of appointment,

suspension and dismissal of Gaon Pradhan by the District Commissioner or by the Principal Secretary of the Autonomous Council shall lie to the Director of Land Records and Surveys, Assam.

4. Mr. P. K. Deka, learned counsel for the petitioner submits that he may be given liberty to approach the appellate forum in terms of the Executive Instruction No. 162 (C) of the Executive Instructions under the Assam Land & Revenue Regulation, 1886 (Amendment 2024). However, he prays that the respondents may be directed not to appoint the private respondent till the petitioner makes an appeal within a period of 7(seven) days from today.

5. Recording the submissions made by the learned counsel for the petitioner, this writ petition is dismissed on withdrawal, however, with liberty to approach the appellate forum.

It is also provided that if the private respondent, namely, Shri Binod Haloi is not appointed, no appointment order shall be issued for a period of 1(one) week from today within which time the petitioner shall prefer his appeal.

6. Mr. C. S. Hazarika, learned Govt. Advocate appears for the respondent Nos. 2, 3 and 4.

JUDGE

Comparing Assistant