

GAHC010034292024



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

Case No. : WP(C)/850/2024

FAIJUL HAQUE
S/O- AFTER ALI, VILL.- BADANI AKHIYA, P.O. LAWTOLE P.S. MUKALMUA,
MOUZA- PUB BARKHETRI, DIST.- NALBARI, ASSAM

VERSUS

THE PRINCIPAL SECRETARY AND 3 ORS
TO THE GOVT. OF ASSAM, REVENUE AND DISASTER MANAGEMENT
DEPARTMENT, DISPUR, GHY-06

2:THE DIRECTOR OF LAND RECORDS AND SURVEYS
ASSAM
RUPNAGAR
GHY-

3:THE DISTRICT COMMISSIONER
NALBARI
P.O. AND DIST.- NALBARI

4:MONOWAR HUSSAIN
S/O- MOTIUR ALI
VILL- BADANI AKHIYA
P.O. LAWTOLE
P.S. MUKALMUA
DIST.- NALBARI
ASSAM
PIN- 78112

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR**

ORDER

Date : 19.02.2024

Heard Mr. H. Ali, learned counsel for the petitioner.

2. Pursuant to a Notice dated 26.05.2022 issued by the Deputy Commissioner, Nalbari for filling up 101 vacant post of Village Headman under various Revenue Circles of Nalbari District, the petitioner who is the son of previous Village Headman of Badani Akhiya Lot applied for the said post. However, in the result that was published on 09.02.2024, the private respondent No.4, namely, Monowar Hussain was selected instead of the petitioner. The petitioner relies on Clause-12 of the Notice dated 26.05.2022, which provides that applicants who are from the family of Village Headman will be given preference and opinion from the Mouzadar will be considered with regard to his claim for the post of Village Headman of Badani Akhiya Lot. The petitioner also places reliance in the Certificates issued by the Mouzadar, Pub-Barkhetri Mouza dated 06.06.2022, which has been issued in favour of the petitioner.

3. Mr. S. Dutta, learned standing counsel, Revenue and Disaster Management Department submits that by the Executive Instructions under the Assam Land Revenue Regulation, 1886 (Amendment 2024), the executive instructions 162-C has been amended which provides that an appeal against the order of appointment, suspension and dismissal of a Gaon Pradhan by the District Commissioner or by the Principal Secretary of the Autonomous Council area, shall lie to the Director of Land Records and Surveys, Assam, within a period of 60(sixty) days.

4. Mr. H. Ali, learned counsel for the petitioner prays for withdrawal of the present writ petition with liberty to approach the appellate forum. However, he prays that the respondents may be directed not to appoint the private respondent, namely, Monowar Hussain, till the petitioner files the 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 with liberty as prayed for.

It is also provided that if the private respondent, namely, Monowar Hussain has not been appointed, no appointment order shall be issued till the petitioner approaches the appellate forum by way of an appeal within a period of 1(one) week from today.

6. Mr. C. S. Hazarika, learned Govt. Advocate appears for the respondent No. 3.

JUDGE

Comparing Assistant