

GAHC010036872024



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

Case No. : WP(C)/1049/2024

ANIMA DEKA
W/O- SRI HARICHARAN DEKA, R/O- VILL.- KEHERUA, P.O. KHATIKUCHI,
P.S. GHOGRAPAR, DIST. NALBARI, ASSAM, PIN- 781369.

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, REVENUE AND DISASTER MANAGEMENT
DEPARTMENT, DISPUR, GHY-781006, ASSAM

2:THE DISTRICT COMMISSIONER
NALBARI
DIST. NALBARI
ASSAM

3:THE SELECTION COMMITTEE
CONSTITUTED FOR SELECTION FOR THE POST OF GAON PRADHAN OF
DIFFERENT VILLAGES UNDER GHOGRAPAR REVENUE CIRCLE
NALBARI DISTRICT
REPRESENTED BY ITS CHAIRMAN.

4:THE ADDITIONAL DISTRICT COMMISSIONER 9GAON PRADHAN)
NALBARI
DIST. NALBARI
ASSAM
AS MEMBER SECRETARY
SELECTION COMMITTEE.

5:THE REVENUE CIRCLE OFFICER
GHOGRAPAR REVENUE CIRCLE
NALBARI
ASSAM

6:HEMANTA HALOI
S/O- LATE SANTIRAM HALOI
R/O- MALIKUCHI JAMINI CHOWK
P.O. BIDYAPUR
P.S. AND DIST. NALBARI
ASSAM, PIN- 783384

Advocate for the Petitioner : MR. M K BAROOAH
Advocate for the Respondent : GA, ASSAM

BEFORE
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

:: ORDER ::

28-02-2024

Heard Mr. M.K. Barooah, learned counsel for the petitioner. Also heard Mr. S. Dutta, learned standing counsel, Revenue Department, for respondent No. 1 and Mr. C.S. Hazarika, learned Government Advocate, for respondent Nos. 2, 3, 4 and 5.

Pursuant to an advertisement dated 26-05-2022, inviting applications for 101 posts of *Gaon Pradhan* under Revenue Circle, district-Nalbari, the petitioner applied for the post of *Gaon Pradhan* of Lat No. 1, Keherua *Barghopa* under the Ghograpar Revenue Circle by claiming to be the daughter-in-law an ex-*Gaonburah*. In the said advertisement, Clause-12 provides that family of ex-*Gaonburah* will be given preference and recommendation of *Mouzadar* will be considered. However, in the result issued by the Additional Deputy Commissioner, (*Gaon Pradhan*), Nalbari, dated 09-02-2024, the respondent No. 6 was selected.

The case of the petitioner in the present writ petition is that she being the daughter-in-law of an ex-*Gaonburah* , has not been selected for the post of

Gaonburah whereas the respondent No. 6 having political background, inasmuch as she belongs to the BJP party as Booth President has been selected.

Mr. S. Dutta, learned standing counsel, Revenue Department, submits that the Revenue and Disaster Management (LA&A) Department has issued a Notification on 01-02-2024 amending the Executive Instructions No. 162-C of the Executive Instructions under the Assam Land and Revenue Regulation, 1886 (Amendment) 2024. He submits that under the Executive Instruction No. 162-C 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 from the date of receipt of the copy of the order of appointment, suspension or dismissal as the case may be.

After hearing the learned counsel for the parties and on consideration of the amendment of the Executive Instructions No. 162-C, this writ petition is disposed of directing the petitioner to file an appeal before the Director of Land Records and Surveys, Assam, under the Executive Instruction No. 162-C, within a period of 15 days from today. Thereafter, the Director of Land Records and Surveys, Assam, shall consider and dispose of the appeal as expeditiously as possible but not later than two months from the date of receipt of the appeal.

With the above observations and directions, the instant writ petition is disposed of.

JUDGE

Comparing Assistant