

GAHC010041012024



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

Case No. : Cont.Cas(C)/114/2024

ABDUL HAMID SARKAR
S/O- LATE HAJI JOYNAL ABEDIN, VILL.- AMBARI, P.O. AMBARI BAZAR,
P.S. BAGUAN, DIST. GOALPARA, ASSAM, PIN- 783129.

VERSUS

KHANINDRA CHOUDHURY
THE DISTRICT COMMISSIONER, GOALPARA, ASSAM, PIN- 780121.

Advocate for the Petitioner : ABUL FAZAL NASIR UDDIN MOLLAH

Advocate for the Respondent : MR. D NATH

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

Date : 15.07.2024

Heard Mr. A. F. N. U. Mollah, learned counsel for the petitioner.
Also heard Mr. D. Nath, learned counsel appearing for sole respondent.

The instant contempt petition has been filed under Section 12 of the Contempt of Court's Act, 1971 read with Article 215 of the Constitution of India alleging willful violation and disobedience of the order dated 11.04.2023 passed in WP(C) No. 1674/2023 by the Hon'ble Gauhati High Court.

By the aforesaid order dated 11.04.2023, this court disposed of the said writ petition with a liberty to the petitioner to submit fresh representation to the Deputy Commissioner, Goalpara, to allow the petitioner to run his fair price shop on the ground that he is a specially abled person.

It was further directed that the jurisdictional Deputy Commissioner shall take a decision with regard to whether the petitioner come within the definition of specially abled person, as per the parameters and guidelines laid down by the Government, to decide whether the petitioner can take the benefit of the letter dated 29.10.2021 issued by the Joint Secretary to the Government of Assam, Food, Civil Supplies and Consumer Affairs Department.

It was further directed that the entire exercise should be concluded by the Deputy Commissioner, Goalpara, within a period of

2(two) months from the date of receipt of the petitioner's representation along with a certified copy of this order.

Heard the parties and perused the materials available on record.

It appears that pursuant to the aforesaid order of this Court, the petitioner on 17.04.2023 submitted representation before the jurisdictional Deputy Commissioner, wherein it has been categorically stated that the petitioner is suffering from 50% hearing impairment.

Today when the matter was called, Mr. D. Nath, learned counsel for the sole respondent submits a copy of the speaking order dated 05.04.2024, whereby the Additional District Commissioner, Food, Public Distribution and Consumer Affairs has disposed of the representation filed by the petitioner in terms of the order dated 11.04.2023 passed by this Court in WP(C) No. 1674/2023.

It appears from the aforesaid speaking order that though the petitioner has claimed the benefit of the subject notification under the Disability quota under the category "50% Hearing Impairment", the petitioner does not have the said disability. Instead it appears from the documents submitted, that the petitioner comes under "Low Vision" category.

It further appears that the jurisdictional Additional District Commissioner has accordingly deemed appropriate to further re-examine the disability of the petitioner by constituting a District Level Medical Board.

In view of the aforesaid speaking order, this Court finds that the respondent has duly complied with the order passed by this Court on 11.04.2023 and hence nothing survives for adjudication in the instant contempt petition.

In view of the aforesaid, the contempt petition stands closed.

A copy of the speaking order dated 05.04.2024 is kept on record and marked as 'X'.

Disposed of.

JUDGE

Comparing Assistant