

GAHC010042142024



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

Case No. : WP(C)/1183/2024

JIARUL HAQUE
S/O NAUSAD ALI, R/O VILL- BHELAKHAITI, P.O.-KALPABARI, DIST-
NALBARI, ASSAM, PIN-781138

VERSUS

THE STATE OF ASSAM AND 8 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM, DISPUR, GUWAHATI-6

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
REVENUE AND DISASTER MANAGEMENT DEPTT
ASSAM
DISPUR
GUWAHATI-6

3:THE GENERAL ADMINISTRATION DEPARTMENT (GAD)
ASSAM
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
GENERAL ADMINISTRATION DEPARTMENT
DISPUR
GUWAHATI-6

4:THE DIRECTOR OF LAND RECORD (DLR)
ASSAM
RIHABARI
GUWAHATI-781008

5:THE DISTRICT COMMISSIONER (D.C.) NALBARI
DIST-NALBARI
ASSAM

PIN-

6:THE SELECTION BOARD
REPRESENTED BY THE CHAIRMAN -CUM DISTRICT COMMISSIONER
(D.C.)

NALBARI

ASSAM

PIN-

7:THE ADDITIONAL DISTRICT COMMISSIONER (GAON PRADHAN)

NALBARI

ASSAM

PIN

8:THE CIRCLE OFFICER

BARKHETRI REVENUE CIRCLE

NARAYANPUR-MUKALMUA

P.O.-MUKALMUA

DIST-NALBARI

ASSAM

PIN-

9:AKRAM HUSSAIN

S/O LATE ALI AKBAR

R/O VILL- BHELAKHAITI

P.O.-KAPLABARI

DIST-NALBARI

ASSAM

PIN-78113

Advocate for the Petitioner : MR. B RAHMAN

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR**

ORDER

Date : 04.03.2024

Heard Mr. B. Rahman, learned counsel for the petitioner. Also heard Ms. M. Bhattacharya, learned Addl. Senior Govt. Advocate for respondent Nos. 1 and 5 to 8; Mr. S. Dutta, learned standing counsel, Revenue Department for the respondent Nos. 2 and 4 and Mr. A. Phukan, learned standing counsel, GAD for

the respondent Nos. 2 and 3.

2. Pursuant to a Notice dated 26.05.2022, whereby, applications were invited for filing up 101 vacant posts of Gaon Pradhan under various Revenue Circle in Nalbari District, the petitioner applied for the post of Gaon Pradhan of Bhelakhaiti-Sobhamari-Baramara Lot under Madhyam Barkhetri Mouza in Nalbari District. The case of the petitioner is that he is the son of an Ex-Gaon Pradhan and that he has also discharged the duties of Gaon Pradhan in respect of Bhelakhaiti-Sobhamari-Baramara Lot under Madhyam Barkhetri Mouza in Nalbari District. The petitioner relies on Clause-12 of the Notice dated 26.05.2022, which provides that preference will be given to the candidates of gaon pradhan family and the opinion of mouzadar will be considered. It is also submitted that the Mouzadar of Madhyam Barkhetri Mouza, Mukalmua, Nalbari, Assam has also issued a Certificate to the petitioner on 08.06.2022, stating that the petitioner's father retired from the post of Gaon Pradhan and the petitioner had helped the Mouzadar during the tenure of his father in collecting tax.

3. Petitioner is aggrieved by the result dated 09.02.2024, issued by the ADC (Gaon Pradhan) Nalbari, wherein, the name of the respondent No.9 has been selected for Bhelakhaiti-Sobhamari-Baramara.

4. Mr. S. Dutta, learned standing counsel, Revenue Department, submits that the Revenue and Disaster Management (LR) Department has issued a Notification on 10-04-2018 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.

5. After hearing the learned counsel for the parties, 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 10 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.

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

JUDGE

Comparing Assistant