

GAHC010045692024



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

Case No. : WP(C)/1285/2024

HEMANTA KUMAR KALITA
S/O LATE GOBINDA KALITA, R/O PUB RANGIA MURARA MILANPUR, P.O.-
RANGIA, KAMRUP, ASSAM, PIN-781354

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM, ASSAM SECRETARIAT, DISPUR, GUWAHATI-781006, ASSAM

2:THE SPECIAL COMMISSIONER AND SPECIAL SECRETARY TO THE GOVT
OF ASSAM
PUBLIC WORKS DEPTT (ROADS)
DISPUR
GUWAHATI-781006
ASSAM

3:THE SECRETARY
PUBLIC WORKS (ROADS) DEPARTMENT
GOVERNMENT OF ASSAM
DISPUR
GUWAHATI-781006
ASSAM

4:THE DEPUTY SECRETARY TO THE GOVERNMENT OF ASSAM
PUBLIC WORKS (ROADS) DEPARTMENT
ESTABLISHMENT-B BRANCH
DISPUR-781006
ASSA

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

**BEFORE
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR**

:: ORDER ::

06-03-2024

Heard Mr. M.K. Choudhury, learned senior counsel, assisted by Mr. K. Kalita, learned counsel for the petitioner. Also heard Ms. A. Talukdar, learned Government Advocate appearing on behalf of the respondent No. 1 as well as Mr. P. Nayak, learned standing counsel, PWD, for the respondent Nos. 2, 3 and 4.

The writ petitioner herein is presently serving as Assistant Engineer (Civil) PWD, on being promoted by Notification dated 31-10-2023. The petitioner was initially denied promotion by the Department on the ground that the qualification of "Section A&B of Associate Membership Examination AMICE (I) in Civil Engineering" from the Institution of Civil Engineers (India), Ludhiana, Punjab was not equivalent to B.E. degree and hence, the educational qualification of the petitioner was put to question.

Similarly situated persons had earlier approached this Court by filing WP(C) No. 7944/2022, which was disposed of by order dated 09-12-2022, directing the authorities to pass a reasoned order on the claim of those petitioners for promotion. Thereafter, the petitioners in WP(C) No. 7944/2022, who were junior to the petitioners having the same qualification and from the same institute were considered for promotion and have been duly promoted to the rank of Assistant Engineers.

The grievance of the petitioner before this Court is that his case has to be considered by giving retrospective effect from the date when his immediate junior was promoted.

The learned senior counsel for the petitioner submits that the petitioner has made a representation on 08-11-2023 before the respondent No. 2, i.e., Special Commissioner and Special Secretary to the Government of Assam, PWD (Roads), Assam, however, the same has not been considered yet and, therefore, the petitioner would be satisfied, if a direction is given to the respondent No. 2 to consider and dispose of the representation.

Ms. A. Talukdar, learned Government Advocate as well as Mr. P. Nayak, learned standing counsel, PWD, have no objection to the prayer so made.

Accordingly, on consensus, this writ petition is disposed with a direction to the respondent No. 2 to consider and dispose of the representation dated 08-11-2023 submitted by the petitioner by a reasoned order and in accordance with law, within a period of four weeks from the date of receipt of a certified copy of this order.

The writ petition stands disposed of accordingly

JUDGE

Comparing Assistant