

GAHC010132372013



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

Case : WP(C)/4942/2020

ASHOK KR. DEV CHOUDHURY AND 3 ORS.
S/O- LATE BHABESH CHANDRA DEV CHOUDHURY
ASSISTANT CONSERVATOR OF FORESTS
MANGALDOI WILDLIFE DIVISION
MANGALDOI
ASSAM.

2: DIBAKOR DAS
S/O- LATE DR. NIKUNJA BEHARI DAS
ASSISTANT CONSERVATOR OF FORESTS
DHANSIRI FOREST DIVISION
UDALGURI.

3: MUSTAFA ALI AHMED
S/O- LATE PHUKAN ALI
ASSISTANT CONSERVATOR OF FOREST
O/O. THE DFO
GUWAHATI
SF DIVISION
BASISTHA
GUWAHATI-781029
ASSAM.

4: KANAK BAISHYA
S/O- LATE UTCHAB BAISHYA
ASSISTANT CONSERVATOR OF FORESTS
O/O. THE DFO
KAMRUP EAST DIVISION
BASISTHA
GUWAHATI
ASSAM.
VERSUS

THE STATE OF ASSAM AND 6 ORS.

REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
DEPARTMENT OF ENVIRONMENT AND FOREST
DISPUR
GUWAHATI-781006.

2:THE SECRETARY TO THE GOVT. OF ASSAM
PERSONAL (B) DEPARTMENT
DISPUR
GUWAHATI- 781006.

3:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
DEPARTMENT OF ENVIRONMENT AND FOREST
DISPUR
GUWAHATI- 781006.

4:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND HOF
ASSAM
PANJABARI
GUWAHATI- 781037.

5:THE SECRETARY
ASSAM PUBLIC SERVICE COMMISSION
KHANAPARA
JAWAHARNAGAR
GUWAHATI- 781022.

6:KUSHAL KOWAR DEKA
S/O- LATE LOKNATH DEKA
ZOO ROAD NARENGI ROAD
NO. 2 MATGHARIA
P.O. AND P.S. NOONMATI
PIN- 781020
DIST.- KAMRUP(M)
ASSAM.

7:SAHADAT ALI
S/O- LATE MAHIM UDDIN AHMED
29 LNB PATH
HATIGAON
P.O. AND P.S. HATIGAON
PIN- 781038
DIST.- KAMRUP(M)
ASSAM

Advocate for : MR. K N CHOUDHURY
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 6 ORS.

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 13-02-2024

Heard Mr. K.N. Choudhury, learned Sr. counsel assisted by Ms. R. Kakati, learned counsel for the writ petitioners. Also heard Mr. D. Gogoi, learned standing counsel, Forest Department, Assam as well as Ms. P. Sarma, learned standing counsel, APSC. Mr. M. Sarma, learned counsel has appeared for the private respondents.

The challenge in this writ petition is to the notification dated 11-02-2020 issued by the Commissioner & Secretary to the Govt. of Assam, Environment & Forest Department, Assam whereby, it was notified that the *inter-se* seniority position of the Forest Rangers appointed as per merit list of APSC shall be fixed in order of preference indicated in the merit list of the APSC. According to the petitioners, the notification runs counter to the prevailing practise in the department wherein, *inter-se* seniority of Forest Rangers is always fixed as per the merit position of the candidates secured on completion of training programme in the Forest College.

Today when the matter is called up, Mr. D. Gogoi, learned standing counsel, Forest Department, Assam has produced a copy of the notification dated 07-11-2020 to submit that pending finalisation of the draft Service Rules, the impugned notification dated 11-02-2020 has been kept in abeyance until further order. If that be so, nothing survives for adjudication in the present writ petition at this point of time.

As such, with the consent of the learned counsel for all the parties, this writ petition stands disposed of as infructuous.

The petitioners would, however, be at liberty to approach this Court once again as

and when, a fresh cause of action arises in this regard.

Copy of the notification dated 07-11-2020 be retained in the record of this case.

JUDGE

GS

Comparing Assistant