

GAHC010139962024



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

WP(C)/1922/2024

MD. MAZAR ALI
S/O- LATE HIKMAT ALI

VILL.- GOBINDAPUR

P.O.- SITOLI
P.S.- BAGHBAR

DIST.- BARPETA
ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM

REVENUE AND DISASTER MANAGEMENT

DISPUR
GUWAHATI-06.

2:THE DEPUTY COMMISSIONER
BARPETA
ASSAM

PIN- 781314.

3:THE ADDITIONAL DEPUTY COMMISSIONER
BARPETA
ASSAM

PIN- 781314.

4:THE CIRCLE OFFICER
BAGHBAR REVENUE CIRCLE

JANIA
P.O.- GAJIA
DIST.- BARPETA

ASSAM
PIN- 781314.

Advocate for : MR. R ALI

Advocate for : SC

REVENUE appearing for THE STATE OF ASSAM AND 3 ORS

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

29.07.2024

Heard Shri R. Ali, learned counsel for the petitioner.

Also heard Shri S. Dutta, learned Standing Counsel, Revenue Department for the respondent no.1 and Shri D. Bora, learned State Counsel for the respondent nos. 2, 3 & 4.

Considering the subject matter and as agreed to by the learned counsel for the parties, this writ petition is taken up for disposal at the admission stage.

A recruitment drive was undertaken for filling up the post of Gaonburah / Gaon Pradhan in various Lots vide an advertisement dated 03.09.2022. It is the case of the petitioner that so far as Lot no. 17 of Jania Mouza under Baghbor Revenue Circle is concerned, the petitioner had participated along with other candidates in which the petitioner claims to have been selected vide the select list which was published on 03.01.2023 and such selection was for Charge No. 17. However, certain unsuccessful candidates had filed a writ petition challenging the selection process which was registered as WP(C)/372/2023.

Though notice was issued, no interim order was passed and rather the

maintainability issue of the writ petition was raised by the Department. The filing of the writ petition appears to be one of the reasons for not appointing the petitioner pursuant to his selection.

Shri Ali, the learned counsel for the petitioner has contended that subsequently the writ petition itself was withdrawn with a liberty to file an appeal, as provided under the Rules. The learned counsel further submits that he is not aware of any such appeal being filed as no notice has been received by him. He accordingly submits that those developments should not be a bar for appointing the petitioner pursuant to a validly made selection.

Shri Dutta, the learned Standing Counsel, Revenue Department has submitted that as per instructions received, till date, no appeal has been preferred before the Appellate Authority. In this regard, he has also placed on record a written communication dated 20.04.2024.

Shri Bora, the learned State Counsel submits that the *lis* is between the Department and he would not have much role in this matter.

Considering the aforesaid facts and circumstances and also observing that there is no order from any authority or Court restraining the appointment of the petitioner pursuant to his selection made in terms of the advertisement dated 03.09.2022 and the select list dated 03.01.2023, the respondent authorities are directed to go ahead with the process of appointment which however has to be done strictly in accordance with law.

Writ petition accordingly stands disposed of.

JUDGE

Comparing Assistant