

GAHC010071822024



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

Case No. : WP(C)/2037/2024

PRANAB BARMAN
S/O- SRI PHUKAN CHANDRA BARMAN,
VILL- PORAKUCHI,
P.O.- SONDHA (781337),
P.S.- NALBARI,
DIST- NALBARI, ASSAM.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
REVENUE AND DISASTER MANAGEMENT DEPARTMENT, ASSAM,
DISPUR, GUWAHATI- 781006.

2:THE GENERAL ADMINISTRATIVE DEPARTMENT (GAD)
ASSAM
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
(GAD)
DISPUR
GUWAHATI- 06.

3:THE DIRECTOR OF LAND RECORDS
ASSAM
RUPNAGAR
GUWAHATI-32.

4:THE DISTRICT COMMISSIONER
NALBARI
DIST- NALBARI (781337)
ASSAM.

5:THE ADDITIONAL DISTRICT COMMISSIONER (REVENUE)
NALBARI
DIST.- NALBARI (781337)
ASSAM.

6:THE CIRCLE OFFICER
NALBARI REVENUE CIRCLE
P.O.- NALBARI- 781337
DIST- NALBARI
ASSAM.

7:MIRA BARMAN
W/O- HIRANYA BARMAN
VILL- PORAKUCHI
P.O.- SONDHA (781337)
P.S.- NALBARI
DIST.- NALBARI
ASSAM

Advocate for the Petitioner : MD. A MATLIB

Advocate for the Respondent : SC, REVENUE

BEFORE
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR
ORDER

10.04.2024

Heard Mr. R. Dhar, learned counsel for the petitioner. Also heard Mr. J. Handique, learned Standing counsel, Revenue Department, Government of Assam, for the respondent Nos. 1 and 3 and Mr. J.K. Goswami, learned Junior Government Advocate, Assam, for the respondent Nos.4, 5 and 6.

2. Pursuant to an Advertisement dated 26.05.2022, calling for applications for filling up of 101 posts of *Gaon Pradhan* in Nalbari district, the petitioner applied for the post of Gaon Pradhan of Porakuchi Lot. However, when the results were published on 09.02.2024, the respondent No.7 i.e., Smti. Mira Barman was selected for the post of Gaon Pradhan of Porakuchi Lot.

3. The case of the petitioner is that the father of the petitioner was a retired Gaon Pradhan of Porakuchi Lot, who retired on 31.03.2022. He, therefore, claims that being the son of retired Gaon Pradhan, the petitioner has a superior claim over the respondent No.7.

4. The Principal Secretary to the Government of Assam, Revenue and Disaster Management (LA&A) Department, issued a Notification, dated 01.02.2024, issued by the Revenue and Disaster Management (LA&A) Department, by which the Executive Instructions under the Assam Land Revenue Regulation, 1886 was amended. In terms of the said amendment, Executive Instructions No.162-C provides that appeal against the order of appointment, suspension and dismissal of Gaon Pradhan by the Deputy Commissioner or by the Principal Secretary of the Autonomous Council area shall lie to the Director of Land Record and Surveys, Assam within a period of 60 days.

5. Accordingly, the petitioner is directed to file an Appeal before the Director of Land Record and Surveys, Assam/ respondent No.3 under Executive Instruction No.162-C. Thereafter, on receipt of the Appeal, the respondent No.3 shall consider and dispose of the same by a speaking order and in accordance with law within a period of 3(three) months from the date of receipt of the Appeal.

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

JUDGE

Comparing Assistant