

GAHC010109632024



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

Case No. : WP(C)/2909/2024

PRIYARANJAN DAS
S/O- LATE FANINDRA CHANDRA DAS,
R/O- DHING TOWN, WARD NO-4,
DIST- NAGAON, ASSAM, PIN-782123

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM, REVENUE
AND DISASTER MANAGEMENT DEPARTMENT
DISPUR, GUWAHATI-06.

2:THE DISTRICT COMMISSIONER
NAGAON
ASSAM

3:THE ADDITIONAL DISTRICT COMMISSIONER
(REVENUE)
NAGAON
ASSAM

4:THE SUPERINTENDENT OF POLICE
NAGAON
ASSAM

5:THE CIRCLE OFFICER

DHING REVENUE CIRCLE
NAGAON
ASSAM
PIN- 782123

Advocate for the Petitioner : MR B D DAS

Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 24.06.2024

Heard Ms. O. Assumi, learned counsel for the petitioner. Also heard Mr. S. Dutta, learned Standing Counsel for the Revenue Department representing the respondent no. 1 and Ms. A. Talukdar, learned Government Advocate appearing State representing the respondents no. 2 to 5.

The petitioner, by way of instituting the present proceedings has presented a challenge to an order dated 22.03.2024, by which, his selection for appointment against the post of Gaon Pradhan of No. 1 Dhing Town under Dhing Revenue Circle was cancelled.

The reasons for issuance of the said order dated 22.03.2024 was that during the time when the police verification in respect of the petitioner was called for, a report was submitted by the Addl. Superintendent of Police, Nagaon, to the effect that the petitioner herein was involved in anti-social broker activities in the Dhing area. Basing on the said report, the District Commissioner, Nagaon, proceeded to cancel the selection of the petitioner against the post of Gaon Pradhan.

Ms. Talukdar, learned Government Advocate, appearing for the District Commissioner, Nagaon has placed on record the instructions received by her.

On perusal of the said report, would go to show that on an enquiry made, the Addl. Superintendent of Police, Nagaon, Assam, vide communication dated 29.03.2023 had submitted a verification report in respect of the petitioner herein and therein, it was highlighted that nothing adverse written against him as per report of enquiry officer was found.

Further, the Circle Officer, Dhing Circle, Nagaon, had also submitted a report on 28.07.2023 to the effect that on an enquiry made in the matter through the jurisdictional Lot Mandal, it had come to light that there had existed no case registered against the petitioner and also no materials could be found to link the petitioner to be alleged anti-social broker activities, purportedly, contended to be carried out by him.

In the above view of the matter and the instructions as placed on record by Ms. Talukdar, learned Government Advocate, this Court is of the considered view that the cancellation of the selection of the petitioner as Gaon Pradhan, vide the order dated 22.03.2024 was so done on a erroneous view of the matter and accordingly, the same stands interfered with.

The order dated 22.03.2024 having been interfered with, the selection of the petitioner in the post of Gaon Pradhan of No. 1 Dhing Town under Dhing Revenue Circle stands revived and accordingly, the District Commissioner, Nagaon, is now directed to take the matter forward and issue order of appointment to the petitioner.

The petitioner be issued with the appointment order in the matter in terms of the selection for the post in question, within a period of one month from the date of receipt of a certified copy of this order.

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

The instructions as furnished by Ms. Talukdar, learned Government Advocate is kept on record and marked as 'X' for identification.

JUDGE

Comparing Assistant