

GAHC010136712024



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

Case No. : Review.Pet./122/2024

DHIRENDRA PATOWARY
S/O LATE CHANDICHARAN PATWORY, R/O JOTIA MANDAKINI PATH, P.O.-
ASSAM SACHIBALAYA, DIST-KAMRUP(M), PIN-781006

VERSUS

THE STATE OF ASSAM AND 15 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM, DISPUR, GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY
GOVT. OF ASSAM
GENERAL ADMINISTRATION DEPARTMENT
(ASSAM SECRETARIAT)
DISPUR
GUWAHATI-781006

3:THE COMMISSIONER AND SECRETARY
GOVT. OF ASSAM
PERSONNEL (B) DEPARTMENT
DISPUR
GUWAHATI-781006

4:THE COMMISSIONER AND SECRETARY
GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-781006

5:SAKAYAT HUSSAIN
C/O COMMISSIONER AND SECRETARY
G.A.D.

GOVT. OF ASSAM
ASSAM SECRETARIAT
DISPUR
GUWAHATI-6
PIN-781006
ASSAM

6:RAJGIRIH SING
C/O COMMISSIONER AND SECRETARY
G.A.D.
GOVT. OF ASSAM
ASSAM SECRETARIAT
DISPUR
GUWAHATI-6
PIN-781006
ASSAM

7:AMULYA CHANDRA BORA
C/O COMMISSIONER AND SECRETARY
G.A.D.
GOVT. OF ASSAM
ASSAM SECRETARIAT
DISPUR
GUWAHATI-6
PIN-781006
ASSAM

8:PRANAB KR. SAIKIA
C/O COMMISSIONER AND SECRETARY
G.A.D.
GOVT. OF ASSAM
ASSAM SECRETARIAT
DISPUR
GUWAHATI-6
PIN-781006
ASSAM

9:SAWAN KUMAR RAI
C/O COMMISSIONER AND SECRETARY
G.A.D.
GOVT. OF ASSAM
ASSAM SECRETARIAT
DISPUR
GUWAHATI-6
PIN-781006
ASSAM

10:SMTI MINA DUTTA

C/O COMMISSIONER AND SECRETARY
G.A.D.
GOVT. OF ASSAM
ASSAM SECRETARIAT
DISPUR
GUWAHATI-6
PIN-781006
ASSAM

11:JAJNESWAR RAJKHOWA
C/O COMMISSIONER AND SECRETARY
G.A.D.
GOVT. OF ASSAM
ASSAM SECRETARIAT
DISPUR
GUWAHATI-6
PIN-781006
ASSAM

12:SAMBHU NATH THAKURIA
C/O COMMISSIONER AND SECRETARY
G.A.D.
GOVT. OF ASSAM
ASSAM SECRETARIAT
DISPUR
GUWAHATI-6
PIN-781006
ASSAM

13:MRINAL CHANDRA DAS
C/O COMMISSIONER AND SECRETARY
G.A.D.
GOVT. OF ASSAM
ASSAM SECRETARIAT
DISPUR
GUWAHATI-6
PIN-781006
ASSAM

14:SMTI DIPALI BORA
C/O COMMISSIONER AND SECRETARY
G.A.D.
GOVT. OF ASSAM
ASSAM SECRETARIAT
DISPUR
GUWAHATI-6
PIN-781006
ASSAM

15:MRS. HASINA BEGUM (R)
C/O COMMISSIONER AND SECRETARY
G.A.D.
GOVT. OF ASSAM
ASSAM SECRETARIAT
DISPUR
GUWAHATI-6
PIN-781006
ASSAM

16:DULAL CH
KALITA (R)
C/O COMMISSIONER AND SECRETARY
G.A.D.
GOVT. OF ASSAM
ASSAM SECRETARIAT
DISPUR
GUWAHATI-6
PIN-781006
ASSA

Advocate for the Petitioner : MR. B CHETRI, MR. S CHETRY

Advocate for the Respondent : GA, ASSAM, SC, FINANCE

BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 01/08/2024
Vijay Bishnoi, CJ

Heard Mr. B. Chetri, learned counsel appearing for the review petitioner. We have also heard Ms. R.B. Bora, learned Government Advocate, Assam, appearing for respondent nos.1 & 3 and Mr. P. Nayak, learned Standing Counsel, Finance Department, Assam, appearing for the respondent nos. 2 & 4.

This review petition is filed by the petitioner seeking review of the order dated 06/06/2024 passed in Writ Appeal No. 127/2024.

The learned counsel for the review petitioner has submitted that this Court has failed to take

into consideration the fact that some of the private respondents, who have not acquired the requisite qualification prior to coming into force of the *Assam Secretariat Service Rules, 2019*, were promoted ignoring the claim of the review petitioner. It is submitted that the Division Bench has recorded incorrect finding to the effect that the persons who were granted promotion, have acquired the qualification prior to coming into force the *Rules of 2019*. It is submitted that the said factual aspect had been clarified by the appellant in his appeal, specifically in para nos. 7, 9 & 10, but the same were not taken into consideration by the Division Bench.

We have heard the learned counsel for the review petitioner.

As a matter of fact, the arguments advanced in the writ appeal have been taken into consideration by this Court and thereafter, a finding was recorded to the effect that some of the employees who had not acquired the requisite qualification before coming into force the Rules of 2019, have been provided promotion because in their cases, the process for promotion was started prior to coming into force of the Rules of 2019.

Learned counsel for the review petitioner attempted to argue the matter again on merits, which amount to re-hearing. However, the same is not permissible under the review jurisdiction.

Hence, we do not find any ground for review/recall of the order dated 06/06/2024 passed in WA No. 127/2024. The review petition stands dismissed.

JUDGE

CHIEF JUSTICE

sukhamay

Comparing Assistant