

GAHC010106002024



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

I.A.(Civil)/2291/2024

BIDYUT BIKASH GOSWAMI AND 14 ORS
S/O SRI GIRISH CHANDRA GOSWAMI
R/O VILL. CHAMARKUCHI
P.O. SANEKUCHI
PS. AND DIST. NALBARI
ASSAM-781350

2: SRI HITESH CHANDRA DAS
S/O SRI J.C. DAS
R/O NABAGRAHA ROAD
SILPUKHURI
GUWAHATI
KAMRUP(M)
ASSAM
PIN 781003.

3: SRI ROBERT LALPIANGANAMPUI

S/O DAVID SINGA NAMPUI

R/O GOLDLAND VILLA
NEAR POWER HOUSE
HAFLONG
DIST- DIMA HASAO
ASSAM -788819.

4: SRI GAUTAM KR. DAS
S/O SRI TILAK DAS

R/O VILLAGE- BARKHOPA
P.O.
P.S ANF DIST- TAMULPUR
ASSAM-781367.

5: SMTI. GEETANJALI MAYOUR
W/O SRI MAYOUR JYOTI SARMAH

R/O PUB SARANIA
BYE LANE 1 (WEST)
GUWAHATI
KAMRUP(M) ASSAM- 781003.

6: SRI KRISHNA SAIKIA
S/O LATE DIMBESWAR SAIKIA

R/O PUBERUN APARTMENT
NIRIBILI PATH
GHORAMARA
P.O. BELTOLA
GUWAHATI
KAMRUP (M)
ASSAM - 781028.

7: SRI ANJUM BORAH
S/O LATE GUNA KANTA BORAH

R/O HOUSE NO. 11
ASHOK PATH
JATIA
KAHILIPARA ROAD
GUWAHATI
KAMRUP(M) ASSAM- 781006.

8: SMTI. MAITREYI DEVI
W/O DR. P. P. TALUKDAR

R/O HOUSE NO. 115
NIZARAPAR
BIRUBARI
GUWAHATI
KAMRUP (M)
ASSAM- 781016

9: SRI RAKESH DAS
S/O LATE JOYDEV DAS

R/O HOUSE NO. 21
AJODHYA PATH
JANAKPUR
JATIA
GUWAHATI

KAMRUP (M)
ASSAM- 781019.

10: JAMES LALSANDAM NEINGAITE
S/O LT. NAGAIKHUMSIEK NEINGAITE

R/O C/O K.K. DAS
HOUSE NO. 20
MANIMUGHDHA NAGAR
CHACHAL
VIP ROAD
SIX MILE
GUWAHATI
KAMRUP(M)
ASSAM-781022

11: SRI PARTHA SAIKIA
S/O SONTI RAM SAIKIA

R/O MILAN NAGAR
BYE LANE NO. 4
MALIGAON
GUWAHATI
KAMRUP(M)
ASSAM- 781011.

12: SRI AHMADUL ALA
S/O LATE ABDUL KADER

R/O HOUSE NO. 31
ANUPAM NAGAR
HATIGAON
GUWAHATI
KAMRUP(M)
ASSAM- 781038.

13: SRI UTPAL BURAGOHAIN
S/O LATE PUNARAM BURAGOHAIN

R/O HAPPY VILLA
UZANBAZAR
GUWAHATI
KAMRUP(M)
ASSAM - 781003.

14: SMTI. MOUSHUMI CHOUDHURY

W/O LATE DEBOJIT DAS

S.C. GOSWAMI ROAD
PANBAZAR
GUWAHATI
KAMRUP(M)
ASSAM-781001.

15: SRI RITUPARNA DAS
S/O LATE MOHAN CHANDRA DAS

VILLAGE- GOPALPUR
P.O. MIRZA
DIST-KAMRUP
ASSAM-781125.
VERSUS

THE STATE OF ASSAM AND 4 ORS
- REPRESENTED BY THE L.R. AND SECRETARY TO THE GOVERNMENT OF
ASSAM
JUDICIAL DEPARTMENT
DISPUR
GUWAHATI- 781006

2:HONBLE THE GAUHATI HIGH COURT

REPRESENTED BY THE REGISTRAR GENERAL
GAUHATI HIGH COURT
GUWAHATI
KAMRUP(M)
ASSAM - 781001.

3:THE REGISTRAR (ESTABLISHMENT)

GAUHATI HIGH COURT
GUWAHATI
KAMRUP(M)
ASSAM- 781001

4:JAHIRUL ISLAM
S/O LATE MAHABBAT ALI

R/O HOUSE NO. 14
BAGHORBORI ROAD
PANJABARI
GUWAHATI

KAMRUP (M)
ASSAM- 781037.

Advocate for : MR. R MAZUMDAR
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 4 ORS

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

30.10.2024

Heard Mr. R. Mazumdar, learned counsel for the applicants. Also heard Mr. A. Chamuah, learned counsel for the opposite party/writ petitioner; Mr. G. Baishya, learned Standing Counsel, Gauhati High Court for the opposite party Nos. 2 & 3 and Mr. G. Pegu, learned Government Advocate for the respondent No. 1.

This interlocutory application has been filed seeking impleadment of the applicants in W.P(C) No. 2755/2024. The applicants claim to be working as Administrative Officer and Court Masters in the Gauhati High Court.

It is submitted by the learned counsel for the applicants that the respondent No. 4/writ petitioner has incorrectly interpreted the Rules and correct interpretation will reveal that the petitioner is not entitled for being considered to the post of Assistant Registrar. It is further submitted that the Division Bench Judgment rendered in W.A. No. 05/2023 by judgment and order dated 28.03.2024 relates to interpretation of the Rule 7(3)(A) whereas the present writ petitioner is covered under Rule 7(4) which has been amended subsequently to the parent Rules.

It is submitted that the petitioner/respondent No. 4 is not entitled to be

given the benefit of consideration for promotion to the next higher post of Assistant Registrar in terms of the Rules read with the amendments. It is the claim of the applicants that their services are governed by the Gauhati High Court Service Rules, 1967 and they are also entitled to be considered for promotion to the next higher post of Assistant Registrar, if the claims of the petitioner are allowed. If the petitioner is permitted then the cases of the present applicants are also required to be considered as they are placed higher in the seniority list over the petitioner. Under such circumstances, it is submitted that the applicants are necessary parties and therefore seek impleadment in W.P.(C) No. 2755/2024.

Mr. A. Chamuah, learned counsel for the opposite party No. 4 does not object to the prayer made nor thus Mr. G. Baishya, learned Standing Counsel, Gauhati High Court.

Accordingly, the interlocutory application is allowed.

The applicants No. 1 to 15 are to be arrayed as respondents No. 4 to 15 in W.P(C) No. 2755/2024.

The interlocutory application stands allowed and disposed of.

JUDGE

Comparing Assistant