

GAHC010166822022



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

Case No. : WA/275/2022

ABDUL KAYUM @ MAMUN ABUL KAYUM BHASKAR ALI
S/O LATE ALAL UDDIN @ ALA UDDIN, VILL-KOUPATI GAON, P.O.-SILBORI,
P.S.-DALGAON, DIST-DARANG, ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS.
THROUGH THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
REVENUE AND REHABILITATION DEPARTMENT, DISPUR, GUWAHATI-
781006

2:THE DEPUTY COMMISSIONER
MANGALDAI
DIST DARRANG
ASSAM

3:THE CIRCLE OFFICER
DALGAON REVENUE CIRCLE
DALGAON
ASSAM

4:THE MOUZADAR
PUB SHIALMARI MOUZA
DIST DARRANG
ASSAM

5:PRASANTA KUMAR DALU
SON OF LT. PRAFULLA SARKAR
RESIDENT OF VILLAGE - GHILADHARI
MOUZA - PUB-SIALMARI
DISTRICT - DARRANG
ASSAM
PIN-784113

Advocate for the Petitioner : MD. M H CHOUDHURY

Advocate for the Respondent : GA, ASSAM

BEFORE
HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE KARDAK ETE

ORDER

Date : 20-06-2024

(Vijay Bishnoi, CJ)

This Writ Appeal is filed by the appellant being aggrieved with the order dated 09.08.2022, passed by the learned Single Judge in WP(C) No.5115/2022, whereby the Writ Petition filed by the appellant has been dismissed.

The appellant applied for the post of Gaon Bura of village Koupati Gaon and Giladhari in Darrang District. When the appellant was not called for the interview, he approached the Court with the plea that the respondents are illegally treating the appellant under age, for appointment for the post of Gaon Bura.

It is contended by the appellant before the learned Single Judge that the minimum age required for appointment for the post of Gaon Bura is thirty (30) years, as on 01.01.2022 and as per the birth certificate of the appellant, issued by the Registrar of Birth and Death, the date of birth of the appellant is 08.08.1990 and as such, on 01.01.2022, the appellant was above thirty (30) years of age. It is contended that the respondent authorities have not considered the candidature of the appellant and has not called him for interview, treating the date of birth of the appellant as 10.02.1993. It is

submitted that the respondents have concluded that since the date of birth of the appellant is 10.02.1993, he is less than thirty (30) years of age and therefore, is not qualified for appointment for the post of Gaon Bura.

The learned Single Judge after taking into consideration that in the Class-X Board Examination and other documents pertaining to the appellant, wherein the date of birth of the appellant is recorded as 10.02.1993 has observed that until and unless the date of birth of the appellant in the educational certificates is changed by a decision of the Civil Court or the competent authority, it cannot be treated that the date of birth of the appellant is different than 10.02.1993.

Having heard the learned counsel for the appellant and also after going through the materials available in the record, we do not find any illegality in the impugned order passed in the Writ Petition and hence, this Writ Appeal is dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant