

GAHC010221392018



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

Case No. : WP(C)/6887/2018

GOPAL SARKAR @ GOPAL CH. SARKAR
S/O LATE KHUSHI MOHAN SARKAR
R/O CHALANTAPARA PART-I, P.O. CHALANTAPARA, DIST. BONGAIGAON,
ASSAM, PIN - 783380.

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF FISHERY, DISPUR, GUWAHATI-06.

2:THE DISTRICT FISHERY DEVELOPMENT OFFICER
BONGAIGAON ASSAM.

3:THE SUB-DIVISIONAL FISHERY DEVELOPMENT OFFICER
NORTH SOLMARA ABHAYAPURI

Advocate for the Petitioner : MR A D CHOUDHURY

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

Date : 28.03.2024

Heard Mr. D. Choudhury, learned counsel for the petitioner. Also heard Mr. S. R. Baruah, learned counsel for the Fishery Department.

2. The petitioner is aggrieved by the withholding of the petitioner's fisherman

experience certificate dated 13.06.2018, due to a complaint made by the Secretary of the Kachudola Fishery Co-Operative Society, Kachudola.

3. The petitioner's counsel submits that even though the Sub-Divisional Fishery Development Officer had submitted his inquiry report dated 11.07.2018, regarding the status of the petitioner, wherein it was stated that the petitioner belonged to the SC community, Sub-Caste Namosudra and had fishing experience of about 10 to 20 years, no final decision has been taken by the District Fishery Development Officer till date. He accordingly submits that a direction should be issued to the District Fishery Development Officer, to take a decision as to whether the petitioner's fisherman experience certificate should continue to be withheld or whether the withholding order dated 27.06.2018 should be recalled.

4. Mr. S. R. Baruah, learned counsel for all the respondents submits that with regard to withholding of the petitioner's fisherman experience certificate, the District Fishery Development Officer, Bongaigaon has issued a confidential letter dated 06.07.2018 to the Sub-Divisional Officer (Civil), North Salmara, Abhayapuri, requesting him to furnish a livelihood status of the petitioner after verification. He submits that no reply has been forthcoming from the SDO(C) to the District Fishery Development Officer till date.

5. I have heard the learned counsels for the parties.

6. The issue pertains to withholding of the petitioner's fisherman experience certificate dated 13.06.2018, vide order dated 27.06.2018 passed by the District Fishery Development Officer, which states as follows:-

“Based on the public complaint received Dated 26.06.2018 from Secretary, Kachudola Fishery Co-operative Society Ltd., Kachudola the certificate

issued vide AFBNG-34/2018-19/112 Dt. 13.06.2018 is hereby withheld for all the purpose till further order with immediate effect."

7. The inquiry report dated 11.07.2018 issued by the Sub-Divisional Fishery Development Officer, North Salmara Development Block, which had been submitted to the District Fishery Development Officer is to the following effect:-

"Subject: Conclusion and views of Inquiry report.

Ref No.:

1. AFBNG-34/2018-19/120-25 dtd 27/06/2018

2.No.AFNS-69/2017-18/30 dtd 04/07/2018

Sir,

With reference to the subject cited above and in continuation of Letter No.AFNS-69/2017-18/30 dtd 04/07/2018 submitted to the DFDO by the SDFDO, North Salmara would like to conclude our views on the Inquiry completed by the undersigned on dated 03/07/2018 & 04/07/2018 that Sri Gopal Sarkar, S/o Late Khushimohan Sarkar belongs to SC community having sub-caste "Namosudra". After examining all documents furnished by Sri Gopal Sarkar and statements of surrounding people it is found that he is having fishing experience about 10 to 20 years.

This is for your kind information and necessary action.

Thanking you Sir."

8. The above being said, the District Fishery Development Officer (respondent No. 2) had written a letter dated 06.07.2018 to the SDO(C), North Salmara, Abhayapuri, requesting for a livelihood status of the petitioner. Nearly

six years have gone by and no report has been forthcoming from the SDO(C).

9. In view of the above reasons, this Court fails to understand as to why a decision cannot be taken by the respondent No. 2 in the absence of any report being made by the SDO(C), keeping in view the inquiry report dated 11.07.2018 made by the respondent No. 3. The grievance of the petitioner cannot be kept hanging for six years, due to the inaction of certain officials. Accordingly, in view of the facts and circumstances of this case, the respondent No. 2 is directed to take a decision, as to whether the petitioner's fisherman experience certificate should continue to be withheld or whether the withholding order should be cancelled/withdrawn, after taking into consideration the inquiry report dated 11.07.2018 issued by the respondent No. 3. The entire exercise should be concluded within a period of 1 month, from the date of receipt of a certified copy of this order by the respondent No. 2.

10. This writ petition is accordingly disposed of.

JUDGE

Comparing Assistant