

GAHC010226722024



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

Case No. : WP(C)/5579/2024

GULJAR HUSSAIN
S/O SIDDIQUE RAHMAN,
VILLAGE KUBAI KATA, PO DHANIA BHETIA, PS BOTODRAVA, DIST
NAGAON ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM,
REVENUE AND DISASERE MANEGEMENT (LR) DEPT.DISPUR
GUWAHAWTI 06

2:THE DIRECTOR OF LAND RECORDS AND SURVEY
RUPNAGAR
ASSAM GUWAHATI

3:THE DISTRICT COMMISSIONER

NAGAON
ASSAM

4:THE ADDITIONAL DEPUTY COMMISSIONER
NAGAON(REVENUE) ASSAM

5:THE CIRCLE OFFICER

DHING REVENUE CIRCLE
DHING
NAGAON
GUWAHATI 06

6:SHAIKH OLI ULLAH

S/O ABDUL JALIL
VILLAGE CHAMAKA
PO TUKTUKI
PS BATADRAVA
NAGAON
ASSAM 78212

Advocate for the Petitioner : MS. S K NARGIS, MS. M K BROWN, MS S BEGUM, MS N SULTANA

Advocate for the Respondent : GA, ASSAM, B BARMAN(R-6), MR. H ALI (R-6), SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

16.12.2024

Heard Ms. SK Nargis, learned counsel for the petitioner. Also heard Shri S. Dutta, learned Standing Counsel, Revenue Department as well as Shri A. Chakraborty, learned Government Advocate, Assam and Shri H. Ali, learned counsel for the respondent no. 6.

2. The respondent no. 2 – Revenue Department has filed an affidavit-in-opposition on 05.12.2024.

3. Considering the subject matter involved and as agreed to by the learned counsel for the parties, this writ petition is taken up for disposal at the admission stage.

4. The matter pertains to a selection and appointment of the post of Gram Pradhan in various villages including Lot No. 8/9 under Chamaka / Kubaikata within Batadraba Mouza of Dhing Revenue Circle. It is the case of the petitioner that he was a candidate in the said recruitment process, pursuant to which a select list was published on 01.03.2023 in which his name has figured. However,

the respondent no. 6 had approached this Court by filing WP(C)/1583/2023 challenging the selection process. The said writ petition was disposed of directing the respondent no. 6 to prefer an appeal under Rule 162(C) of the Executive Instructions which was accordingly done. Ms. Nargis, learned counsel for the petitioner has submitted that even though such appeal has been filed, the same has not been considered till date causing prejudice to the petitioner.

5. Shri Dutta, learned Standing Counsel, Revenue Department has submitted that since the present writ petition is pending, the appeal has not been disposed of.

6. Shri Ali, learned counsel for the respondent no. 6 has however submitted that the appeal was preferred pursuant to the direction passed in the earlier writ petition preferred by him.

7. The learned counsel for the contesting parties have submitted that the hearing has already been concluded.

8. After considering the rival submissions, this Court is of the opinion that instead of keeping this writ petition pending, the same is to be disposed of by a direction for consideration and disposal of the appeal strictly in accordance with law. Let the appeal said to be filed pursuant to the order dated 22.03.2023 of this Court be disposed of by the Appellate Authority within a further period of 45 days from the date of receipt of certified copy of this order. It is needless to state that such disposal is to be done strictly in accordance with law.

9. In view of the above, this writ petition is disposed of by directing the Appellate Authority to pass final orders of the appeal within the aforesaid stipulated time.

10. The learned counsel for the parties may furnish certified copy of this order

before the Appellate Authority for doing the needful.

JUDGE

Comparing Assistant