

GAHC010234442013



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

Case No. : WP(C)/3828/2013

1. NAYANMONI BORAH and 2 ORS,
S/O SRI SRI BHABAKANTA BORAH,
R/O VILL- DA-PARBATIA SAKOR CHAUBURI,
P.O. PARBATIA, TEZPUR, ASSAM.

2: SRI RINJU HAZARIKA,
S/O SRI DHARMESWAR HAZARIKA,
R/O VILL- MURADOL, P.O. BAKOLA,
SOOTEA, ASSAM.

3: SRI NAYANMONI BORAH,
S/O SRI ESHAN BORAH,
R/O VILL- DA- PARBATIA P.O. PARBATIA,
P.O. PARBATIA, ASSAM.

VERSUS

1. THE STATE OF ASSAM AND 8 ORS
REP. BY THE COMMISSIONER and SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF REVENUE AND DISASTER MANAGEMENT, DISPUR,
GUWAHATI-6.

2: THE DIRECTOR
LAND RECORDS and SURVEYS ETC, ASSAM,
RUPNAGAR GUWAHATI-32.

3: THE DEPUTY COMMISSIONER, SONITPUR, ASSAM.

4: THE ADDL. DEPUTY COMMISSIONER,
SONITPUR, TEZPUR, ASSAM.

5: THE CIRCLE OFFICER
NA-DWAR REVENUE CIRCLE, SOOTEA
DIST. SONITPUR, ASSAM.

6:THE CIRCLE OFFICER
TEZPUR REVENUE CIRCLE
DIST. SONITPUR, ASSAM

7:SRI DHRUBAJYOTI BORAH
R/O VILL- KALMOUGURI P.O. KALBARI
GOHPUR, ASSAM.

8:SRI DIBYAJYOTI BORAH
S/O JAGAT CH. BORAH
R/O VILL- KANAI BORA CHUBURI P.O. BESSERIA
TEZPUR, DIST. SONITPUR, ASSAM.

9:SRI KAMAL SARMA
S/O HIMAL SARMA R/O VILL- AMTOL BHERGAON
P.O. MAZ- ROWMARI SONITPUR, ASSAM

Advocate for the Petitioner : MR.R P SARMAH

Advocate for the Respondent : GA, ASSAM

- B E F O R E -

HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

30.01.2024

Heard Mr. A.R. Tahbildar, learned counsel for the petitioners. Also heard Mr. J. Handique, learned Standing Counsel, Revenue Department appearing for respondent Nos.1 & 2 and Mr. D. Borah, learned Junior Government Advocate appearing for the respondent Nos.3, 4, 5 and 6. None appears for respondent Nos.7, 8 and 9.

2. The petitioners, who claim to be engaged on honorarium basis as Chainman in the office of the Circle Officer, Na-dwar Revenue Circle and Tezpur Revenue Circle, have raised a grievance in the present proceedings with regard to non-consideration of their cases in spite of the recommendations made for

undergoing the Recorder Certificate Class Course conducted by the Director of Land Records and Surveys, Assam .

3. It is projected in the writ petition that the cases of the petitioners were forwarded by jurisdictional Deputy Commissioner to the Director of Land Records and Surveys, Assam for allowing them to participate in the said Course. However, because of delay in processing of their cases by the authorities, the petitioners could not be sent for the said training course.

4. Mr. J. Handique, learned counsel for the Revenue Department has today placed before this Court the Rules called "the Assam Land Revenue Records Subordinate Service Rules, 2023" (in short, the Rules of 2023) and has contended that the said Rules of 2023 has repealed the Assam Land Record Manual as well as the Assam Survey and Settlement Training Centre Rules, 1992.

5. In that view of the matter, this Court is unable to require consideration of the cases of the petitioners in terms of their recommendations made in their cases way back in 2012. However, the petitioners in the event they are found to be qualified under the provisions of "the Assam Land Revenue Records Subordinate Service Rules, 2023", they may be permitted to undergo the said Recorder Certificate Class Course strictly in accordance with the provisions of the Rules of 2023.

6. For the above purpose, the petitioners shall submit their individual representations highlighting their claims to undergo the said Training Course before the Director of Land Records and Surveys, Assam along with a certified copy of this order.

On receipt of such representations, the Director of Land Records and

Surveys, Assam, shall consider the claims made therein by the petitioners strictly in accordance with the provisions of "the Assam Land Revenue Records Subordinate Service Rules, 2023", and or any other order/rule in force with regard to conduct of the Recorder Certificate Class Course.

7. The Director, Land Records and Surveys, Assam shall consider and dispose of the said representations of the petitioners within a period of 1(one) month from the date of receipt of such representations along with a certified copy of this order.

8. With the above observations and directions, the present writ petition stands disposed of.

JUDGE

Comparing Assistant