

GAHC010260062023



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

Case No. : I.A.(Civil)/3554/2023
In WP(C) No.5618/2023

SHAHA ALOM KHAN,
S/O- RAMJAN KHAN,
R/O- VILL- HATIJAN,
P.O.- JOSHIHATI,
DIST- BARPETA, ASSAM, PIN- 781313.

VERSUS

MUSTAFIZUR RAHMAN AND 4 ORS.
S/O- KHALILUR RAHMAN, R/O- VILL- HATIJANA, MOUZA- GHILAJARI,
P.O.- JOSHIHATI, P.S.- HOWLY, DISTRICT- BARPETA, ASSAM.

2:THE STATE OF ASSAM

REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE DEPUTY COMMISSIONER

BARPETA
P.O. AND DIST.- BARPETA
ASSAM
PIN- 781301.

4:THE ADDL. DEPUTY COMMISSIONER
BARPETA
P.O. AND DIST.- BARPETA
ASSAM

PIN- 781301.

5:THE CIRCLE OFFICER
BARPETA
P.O. AND DIST- BARPETA
ASSAM
PIN- 78130

Advocate for the Petitioner : MR. A M AHMED, „MS. P GHOSH

Advocate for the Respondent : GA, ASSAM, MR. A R SIKDAR,SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

19-08-2024

Heard Shri A. M. Ahmed, learned counsel for the applicant, who has been arrayed as the respondent no. 5 in the connected WP(C)/5618/2023.

The aforesaid writ petition has been filed in connection with the disqualification of the writ petitioner in terms of a Gazette Notification dated 26.08.2021 and a corrigendum dated 27.10.2022 regarding the eligibility age. The writ petitioner as well as the applicant were aspirants to the post of Gaon Pradhan in respect of Charge No. 25, village Hatijana in the district of Barpeta.

Shri Ahmed, the learned counsel for the applicant submits that he is the selected candidate so far as the present Charge No. 25 is concerned and in this regard, he has referred to a notification dated 03.01.2023 in which his name is reflected against Sl. No. 43.

Shri Sikdar, the learned counsel for the opposite party/writ petitioner has however submitted that if any directions for appointment is given, the writ petition would become infructuous.

Also heard Shri J. K. Goswami, learned State Counsel as well as Shri S.

Dutta, learned Standing Counsel for the Department.

After considering the rival submissions, the balance of equities would be served by giving the following directions.

In terms of the selection of the respondent no. 5-applicant, the authorities would be at liberty to offer him the appointment. However, such appointment would be subject to the outcome of the writ petition.

IA stands disposed of.

JUDGE

Comparing Assistant