

GAHC010080152026



DB

2026:GAU-AS:5760-

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

Case No. : WP(C)/2212/2026

BHANU SHARMA AND 11 ORS
SO DADHI RAM SHARMA, R/O LINK ROAD, LANKA WARD NO 2, P.S.
LANKA, DIST. HOJAI, ASSAM, PIN 782446

2: SHAH NAWAZ HUSSAIN
S/O MUSHAHID ALI
RO SANI BAZAR ROAD
MORIMUSLIM GAON
MORIGAON
P.O. MORIGAON
PIN 782105
DIST. MORIGAON
ASSAM

3: HEMANDRA SAIKIA
S/O SASHI KANTA SAIKIA
R/O NEAR DAKSHINPAT CHARIALI
BALI GAON
P.S. NAGAON SADAR
DIST NAGAON
ASSAM
PIN 782144

4: TAIBUR ALI
S/O KISMAT ALI
R/O KAJIPARA PT-1
DIST. DHUBRI
ASSAM
PIN 783371

5: SHEIKH SAYED ANUWAR HUSSAIN
S/O MUZIT ALI SHEIKH
R/O KAZIPARA PT-1

DIST. DHUBRI
ASSAM
PIN 783371

6: JAHANGIR HUSSAIN
S/O HASEN ALI
SUB DIST. BOITAMARI
P.O. KAYETPARA
DIST. BONGAIGAON
ASSAM
PIN 783389

7: BUBUL ALI
C/O TASIR ALI
MEDA
MEDA GAON
DIST BARPETA
ASSAM
PIN 781317

8: FARUK AHMED
S/O ABDUL SALAMCHAK CHAKA BAZAR
P.O. SARBHOG
SUB DIST. BARNAGAR
DIST. BARPETA
PIN 781317

9: MIRAJUL SHEIKH
C/O JOBAN ALI
505
GHUNIMARI CHAPRA
KAZIPARA PT-1
DIST DHUBRI
PIN 783371

10: WAHIDUR RAHMAN
C/O SAIFOR ALI RAHMAN
PAIKAN PT-II
DIST GOALPARA
PIN 783126

11: WAHIDUR AMMED
C/O KOHINOOR AHMED
R/O VILL PACHAGAON PT- 2
DIST. BONGAIGAON
PIN 783372

12: REJANUZ ZAMAN

S/O ABDUL LATIF AHMED
230
114 NANKARGAON
DANGTOL
BASUGAON
DIST BONGAIGAON
PIN 78337

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT
OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
ASSAM, DISPUR, GHY, PIN 781032

2:DIRECTOR OF LAND RECORD AND SURVEYS
ETC
ASSAM
RUPNAGAR
GHY
PIN 781032

3:THE PRINCIPAL
ASSAM SURVEY AND SETTLEMENT TRAINING CENTRE
RAJAH NAGAR
DAKHIN GAON
GHY
PIN 781040

4:THE SECRETARY IN CHARGE
REVENUE
NORTH CACHAR HILLS
AUTONOMOUS COUNCIL
HAFLONG
SETTLEMENT AND REVENUE DEPARTMENT
PIN 788819

5:THE BODOLAND AND TERRITORIAL COUNCIL
REPRESENTED BY THE PRINCIPAL SECRETARY
BODOLAND TERRITORIAL COUNCIL
BODO FANWGWR
KOKRAJHAR
PIN 783370

6:THE JOINT SECRETARY (REVENUE)
BODOLAND TERRITORIAL COUNCIL
BODO FANWGWR
KOKRAJHAR

PIN 783370

7:SECRETARY
NORTH CACHAR HILLS
AUTONOMOUS COUNCIL
HAFLONG
PIN 78881

Advocate for the Petitioner : MR MINTU SAIKIA, MS R DUTTA

Advocate for the Respondent : SC, REVENUE AND DISASTER MANAGEMENT DEPT, SC, BTC

For the Petitioner(s) : Mr. M. Saikia, Counsel

For the Respondent(s) : Mr. R. Borpujari, SC, Revenue
Ms. B. Bora, SC, BTC

BEFORE

HONOURABLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

27-04-2026

(A. D. Choudhury, J)

1. We have heard Mr. M. Saikia, learned counsel appearing for the petitioners. Also heard Mr. R. Borpujari, learned Standing counsel, representing the Revenue Department, Assam and Ms. B. Bora, learned Standing counsel, representing the BTC for the respondents.

2. The petitioners, all of whom have undergone the Recorders' Certificate Class Course (hereinafter referred to as "RCCC") training from the Assam Survey and Settlement Training Centre of the Government of Assam, under the Revenue and Disaster Management Department in

various sessions from 2017 to 2024, have questioned the validity of Rule 5(1A) of the Assam Land Records Subordinate Service (Amendment) Rules, 2025, which amends the Assam Land Records Subordinate Service Rules, 2023 (hereinafter referred to as the "Rules of 2023"), thereby allowing only pre-trained RCCC candidates to appear for recruitment to the entry level post of Land Records Assistant (equivalent to Lot Mandal), as a one-time measure, but explicitly excluding the candidates nominated by Territorial and Autonomous Council areas, like, Bodoland Territorial Autonomous Council, N.C. Hills Autonomous Council, etc., on the ground of the same being arbitrary and violative of the fundamental rights of the petitioners and that the amendment, in effect, causes discrimination based on residence or places of birth, despite some of them being non-tribals and not claiming any tribal priority rights.

3. Similar challenge was made in WP(C) No. 143/2026 and other connected writ petitions. This Court under its judgment and order dated 23.04.2026 in the aforesaid writ petitions, held that the impugned amendment in the Rules of 2023, introducing classification of RCCC trained nominees of the Autonomous Councils from being considered for one-time adjustments does not muster the constitutionality required for its validation.

4. Accordingly, the challenge was allowed by striking down the Amendment Rule to that extent as unconstitutional and violative of the fundamental rights of the petitioners under Article 14 & Article 16 of the Constitution of India.

5. The exclusionary part in the Advertisement No. DLR-11013(21)/50/2025/130 dated 14.03.2026 was also struck down as constitutionally invalid.

6. Accordingly, with the aforesaid declaration, it was directed that

the petitioners, if otherwise eligible, would be required to be allowed to participate in the selection process against the aforementioned advertisement for their selection in Government jobs.

7. Parties are in ad-idem that the aforesaid judgment and order dated 23.04.2026, shall also cover the case of the present petitioners.

8. In view of the aforesaid consensus and taking note of the facts pleaded before us, we dispose of the present writ petition in terms of the determination made by this Court under its judgment and order dated 23.04.2026, passed in WP(C) No. 143/2026 and other connected writ petitions.

JUDGE

CHIEF JUSTICE

Comparing Assistant