

GAHC010155572018



2026:GAU-AS:1494

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

Case No. : WP(C)/4854/2018

ANOWARUL HAQUE
S/O. MD. HUSSAIN ALI BHUYAN, VILL. SHIMULBARI, P.O. KACHUMARA,
PIN 781302, DIST. BARPETA, ASSAM.

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
REVENUE AND DISASTER MANAGEMENT, GUWAHATI-6.

2:THE DEPUTY COMMISSIONER
BARPETA
ASSAM
PIN 781304.

3:THE CIRCLE OFFICER
CHENGA REVENUE CIRCLE

BARPETA
ASSAM
PIN- 781305

Advocate for the Petitioner : MR. I H SAIKIA, MR. L M RAHMAN,MR. K KALITA,MR. M R
CHOUDHURY

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

**BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 05-02-2026

Heard Mr. K. Kashyap, learned counsel appearing for the petitioner. Also heard Mr. J. Handique, learned Standing Counsel, Revenue Department for respondent No. 1 and Mr. D. Bora, learned State Counsel for the respondent Nos. 2 & 3.

2. Challenge made in this writ petition is to the advertisement dated 01.06.2018, issued by the Deputy Commissioner, Barpeta, whereby applications were invited from local people for filling up the vacant post of 07 No. charge Gaonburah of Baguribari Mouza under Chenga Revenue Circle, particularly Clause 2, which provides the minimum qualification to the effect that the age of the applicant shall be 35 years or above as on 01.01.2018 and shall be HSLC passed, equivalent to the same from the Government of Assam recognized board/institution.

3. The petitioner claims that he passed High School Leaving Certificate examination in the year 2005 and his date of birth is 30.06.1988. The Deputy Commissioner, Barpeta, vide advertisement dated 01.06.2018, invited an applications from local people to fill up the vacant post of 07 No. charge Gaonburah of Baguribari Mouza under Chenga Revenue Circle. The advertisement, *inter alia*, provides the minimum age of the applicant to be 35 years or above as on 01.01.2018.

4. It is the contention of the petitioner that in earlier advertisements for appointment of Gaonburah, there was no prescription of age. However, in the subsequent earlier advertisements, the age was fixed to be 21 to 40 years. According to the petitioner, the prescription of minimum age of 35 years is arbitrary as there is no rational behind such prescription by departure from the earlier practice for appointment of Gaonburah. It is further contended that had the age of the applicant is not fixed to be 35 years or above, the petitioner would have been eligible in all other aspect as he has attained the age of 30 years.

5. Mr. J. Handique, learned Standing Counsel, Revenue Department, by placing the copy of the Notification dated 26.08.2021, issued by the Commissioner and Secretary to the Government of Assam, Revenue and D. M. Department, submits that after the impugned advertisement dated 01.06.2018, issued by the Deputy Commissioner, Barpeta, the State has amended the executive instruction by reducing the requirement of 35 years of age for appointment of Gaonburah to 30 years. Therefore, he submits that the authority will issue a fresh advertisement in terms of the said notification wherein the age of 35 years has been brought down to 30 years.

6. I have considered the submissions of learned counsel for the parties and also perused the materials on record, particularly the Notification dated 26.08.2021, issued by the Commissioner and Secretary to the Government of Assam, Revenue and D. M. Department.

7. The challenge to the impugned advertisement dated 01.06.2018 is essentially with regard to the requirement of 35 years of age or above for appointment of Gaonburah in terms of the executive instructions issued by the State Government. At the time of filing of the writ petition challenging the impugned advertisement, the petitioner was about 30 years of age, having other eligibility for appointment to the post of Gaonburah.

8. This Court, while issuing the notice on 25.07.2018, suspended the impugned advertisement dated 01.06.2018, for which perhaps, there might not have been any selection process undertaken pursuant to the impugned advertisement for filling up of the vacant post of 07 No. charge Gaonburah of Baguribari Mouza under Chenga Revenue Circle. As noted above, the State respondents issued the Notification dated 26.08.2021 amending the executive instruction, particularly the Instruction No. 162, clause (I), in sub-clause (ii), whereby the requirement of minimum age of 35 years for appointment of Gaonburah has been reduced to 30 years, which is in vogue. Thus, the Deputy Commissioner is required to issue a fresh advertisement inviting applications for filling up the said vacant post of 07 No. charge Gaonburah of Baguribari Mouza under Chenga Revenue Circle in terms of the Notification dated 26.08.2021.

9. In essence, the writ petition appears to be infructuous in view of the amendment of the executive instruction whereby the requirement of 35 years of age for appointment of Gaonburah has been reduced to 30 years. However, it would be appropriate to dispose of this writ petition allowing the Deputy Commissioner, Barpeta to issue a fresh advertisement for filling up of the vacant post of vacant post of 07 No. charge Gaonburah of Baguribari Mouza under

Chenga Revenue Circle in terms of the Notification dated 26.08.2021, particularly with regard to the age of the applicant.

10. Having considered that the requirement of the applicant to be 35 years for appointment of Gaonburah having been brought down to 30 years vide Notification dated 26.08.2021, and as agreed to by the learned counsel for the parties, I deem it appropriate to dispose of this writ petition with a direction to the Deputy Commissioner, Barpeta to issue a fresh advertisement in accordance with the Notification dated 26.08.2021 for filling up the vacant post of 07 No. charge Gaonburah of Baguribari Mouza under Chenga Revenue Circle within a period of 1 (one) month from today. It is ordered accordingly.

11. Writ petition stands disposed of.

JUDGE

Comparing Assistant