GAHC010241292025

undefined

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

Case No. : WP(C)/6435/2025

MAKIBUL ISLAM
SON OF KUDRAT ALI,RESIDENT OF KUCHIAKHANDA, P.O.BILASIPARA BAZAAR, P.S.GOBARDHANA, DISTRICT BAKSA,BTR, ASSAM, PIN NO.781315

VERSUS

BODOLAND TERRITORIAL REGION AND OTHRS
REPRESENTED BY CHIEF EXECUTIVEMEMBER, BODOFA NAGAR, BTRSECRETARIAT, KOKRAJHAR, ASSAM,PIN No.783370.

2:DIRECTOR OF LAND RECORDS AND SURVEY

BTC
KOKRAJHAR
ASSAM
PIN No.783370.

3:THE CIRCLE OFFICER

JALAHREVENUE CIRCLE
P.O- JALAHGHAT
POLICE STATION-SIMLA
DISTRICTBAKSA
ASSAM
PIN-781327.

4:RAHOM ALI

SON OF LATE SAMEGALI
RESIDENT OF KUCHIAKHANDA
P.O. BILASIPARA BAZAAR

P.S.GOBARDHANA
DISTRICT BAKSA
BTR
ASSAM
PIN No.781315

Advocate for the Petitioner : MR. S K DAS, MR D BARMAN

Advocate for the Respondent : SC, BTC, MR I AHMED (R-4),MR A SHARMA (R-4)

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

03.11.2026

1. Heard Mr. S.K. Das, learned counsel appearing for the petitioner and Ms. N. Choudhury, learned Standing Counsel appearing for the BTC as well as Mr. I. Ahmed, learned counsel appearing for the respondent No.4.

2. By this application filed under Article 226 of the Constitution of India, the petitioner has raised a grievance against the appointment of respondent No. 4 as In-charge Gaon Pradhan in respect of Charge No. 27 of Jalah Revenue Circle vide the impugned order dated 23.07.2025.

3. The petitioner contends that he is qualified under the law applicable for appointment as Gaon Pradhan and being a relative of the erstwhile Gaon Pradhan who has since retired, the petitioner ought to have been appointed as the In-charge Gaon Pradhan of the said Circle in terms of Executive Instruction No. 162, Clause 3(V) issued under the Assam Land and Revenue Regulation, 1886 as notified on 10.04.2018.

4. The case of the petitioner is that the post of Gaon Pradhan in respect of Charge No. 27 Village Kuchiakhanda under Jalah Revenue Circle fell vacant upon the retirement of one Jaynal Abedin on 27.05.2025 on attaining the age of

superannuation. It is the further case of the petitioner that he is the son of the brother of the erstwhile Gaon Pradhan who retired as stated above.

5. The learned counsel appearing for the petitioner has produced the voters' list to substantiate the relationship between the petitioner and the retired Gaon Pradhan of the said charge. It is submitted that the petitioner is a graduate and fulfils all the prescribed eligibility criteria under the Executive Instructions framed under the Assam Land and Revenue Regulation, 1886 issued vide notification dated 10.04.2018 along with the subsequent amendments thereto. However, despite fulfilling the requisite eligibility criteria, the petitioner was not appointed as the In-charge Gaon Pradhan of the said charge. Instead, respondent No. 4 was appointed to the said post.

6. Ventilating his grievance, the petitioner submits that he had submitted a formal application before the Additional District Commissioner, Baksa, Mushalpur which was thereafter forwarded by the said authority to the Secretary, Revenue, BTC, Kokrajhar. It is further submitted that on 31.05.2025 the Circle Officer, Jalah Revenue Circle forwarded the application submitted by respondent No. 4 and addressed a letter to the CEO, Jalah Revenue Circle seeking an order regarding the retirement of the erstwhile Gaon Pradhan and details of the newly appointed Gaon Pradhan. The petitioner further submits that he was taken by surprise when respondent No. 4 who according to the petitioner does not possess the requisite qualifications prescribed under the relevant notification was appointed as the In-charge Gaon Pradhan of the said charge.

7. The learned counsel appearing for the petitioner has placed reliance on the notification dated 10.04.2018 particularly Clause V of Executive Instruction No. 162 wherein it is provided that preference shall be given to the family members

of a Gaon Pradhan who retires from the said post. He submits that the aforesaid provision has not been followed while appointing respondent No. 4 as the In-charge Gaon Pradhan of the said charge. He further submits that it is a settled position of law that the same principles and eligibility criteria as are prescribed for the appointment of a regular Gaon Pradhan are required to be followed while making an appointment to the post of In-charge Gaon Pradhan.

8. On the other hand, Ms. N. Choudhary, learned Standing Counsel appearing for the BTC submits that the advertisements issued by the BTC in the years 2016, 2017 and 2018 for the appointment of regular Gaon Pradhans were subsequently cancelled for various reasons. In this regard, she has placed before this Court the order dated 22.12.2025 whereby the said selection process was cancelled. She further submits that the BTC authorities have taken a decision to initiate a fresh selection process for the appointment of Gaon Pradhans in various revenue circles. In this connection, she has placed an instruction dated 22.05.2026 whereby it was intimated that the BTC authorities had decided to initiate the recruitment process for the appointment of Gaon Pradhans within the BTC area shortly. She submits that the said decision was taken in connection with the issues raised in the present writ petition. The learned Standing Counsel has also placed reliance on a judgment of this Court whereby a writ petition filed by candidates who had participated in the selection process initiated pursuant to the advertisements issued in the years 2016, 2017 and 2018 was disposed of as withdrawn, following cancellation of the said selection process. She, therefore, submits that in view of the proposed fresh selection process by the BTC authorities the present writ petition be dismissed.

9. Mr. I. Ahmed, learned counsel appearing for respondent No. 4 submits that respondent No. 4 was appointed as In-charge Gaon Pradhan of Charge No. 27,

Village Kuchiakhanda under Jalah Revenue Circle after being found eligible by the authorities concerned. He further submits that the provision stipulating preference to be given to the family members of the erstwhile Gaon Pradhan is only one of the conditions enumerated in the Executive Instructions. He contends that the other prescribed eligibility criteria are also required to be fulfilled before a person can be appointed as a Gaon Pradhan.

10. I have heard the learned counsel for the parties and perused the documents available on record.

11. It is noticed from the notification dated 10.04.2018 that the appointment of Gaon Pradhans is required to be made through a selection process prescribed therein. Instruction No. 162 specifically provides for the constitution of a Board comprising of various members who are entrusted with the responsibility of recommending suitable candidates for appointment as Gaon Pradhans. On the basis of such recommendations, the Deputy Commissioner or the Principal Secretary of the concerned Autonomous Council area, as the case may be is required to make the appointment of the Gaon Pradhan. It is further provided that the Selection Board shall assess the leadership qualities of the candidates including their ability to inspire and lead the people and their capacity to lead a proper life. The Deputy Commissioner/Principal Secretaries of the Autonomous Councils are also entrusted with the responsibility of examining the police verification report of the candidate before making the appointment. Thus, it is evident that several procedures and assessments are required to be undertaken by the Selection Board and the competent authority before appointing a Gaon Pradhan for the concerned village or revenue circle.

12. The petitioner, however, cannot claim an absolute right to be appointed as

the In-charge Gaon Pradhan of the said village merely on the ground that he is a family member of the erstwhile Gaon Pradhan. This is because appointment to the post of Gaon Pradhan is subject to fulfillment of various eligibility criteria and other requirements, which are required to be duly examined by the competent authorities. Further, it is noticed that the BTC authorities have already contemplated initiating a fresh recruitment process for the appointment of Gaon Pradhans as reflected in the instruction placed before this Court wherein it has been indicated that the said recruitment process would be initiated shortly. The said instruction further stipulates that the present In-charge Gaon Pradhan who was appointed by the Director of Land Records and Surveys, BTC was appointed without following any selection process and without obtaining the approval of the BTC authorities. Accordingly, the said appointment was not considered to be invalid by the BTC authorities. However, since the BTC authorities have already decided to initiate a regular recruitment process for the appointment of Gaon Pradhans, this Court is of the considered view that the existing arrangement may not be disturbed at this stage. The BTC authorities are however expected to initiate the recruitment process within a short period.

13. Accordingly, the BTC authorities are directed to initiate the recruitment process for the appointment of Gaon Pradhans within the BTC area within a period of one month from the date of this order and conclude the same in another two months time. Needless to say that while undertaking the said recruitment process the BTC authorities shall strictly adhere to the applicable laws, rules and executive instructions governing such appointments including the notification dated 10.04.2018 if the same is found to be in force as on date.

14. The petitioner shall also be at liberty to participate in the said recruitment process along with other eligible candidates subject to fulfillment of the

prescribed eligibility criteria.

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

16. The documents placed on record by Ms. N. Choudhary, learned Standing Counsel appearing for the BTC is made part of the record.

JUDGE

Comparing Assistant