

WP(C) 2474/2010
BEFORE
HON'BLE MR JUSTICE I A ANSARI

The petitioner's grievance, in brief, is thus: The petitioner's elder brother entered into an agreement with Molakhowa Gaon Panchayat, in the District of Dhubri, the agreement being to the effect that the petitioner's family would donate a plot of land, measuring 2 Katha 10 Lecha, covered by Dag No. 340, Khatian No. 191, situated at Fattapara village, under Mankachar Circle, in the District of Dhubri, for construction of the office of the said Gaon Panchayat and, in lieu of the donation, the said Gaon Panchayat would give employment to one of the petitioner's family members. A letter/certificate, dated 25.11.1997, was also issued, in this regard, by the Secretary of the said Gaon Panchayat. The petitioner, who passed Higher Secondary Examinations in the year 2007, has applied to the said Gaon Panchayat seeking employment as per the promises made by the said Gaon Panchayat in the manner as mentioned hereinbefore; but the petitioner has not received any appointment. Thus, feeling aggrieved, the petitioner has filed this writ petition, under Article 226 of the Constitution of India, seeking appropriate directions to be issued to the respondents to appoint him to a post under the said Gaon Panchayat.

Heard Mr. M. Phukan, learned counsel for the petitioner, and Ms. H. M. Phukan, learned Government Advocate, appearing on behalf of the respondents.

While considering this writ petition, it needs to be noted that basically, the petitioner has sought employment under the said Gaon Panchayat.

Considering the matter in its entirety and in the interest of justice, this writ petition is disposed of making it clear that as and when the said Gaon Panchayat decides to fill up any post, the petitioner shall be allowed to apply for appointment to the said post along with other eligible candidates and he shall also be allowed to appear in the selection process for appointment to such post subject to the condition that that the petitioner is found to be, otherwise, eligible for such appointment.