

WP(C) 4289/2015
BEFORE
HON'BLE MR. JUSTICE HRISHIKESH ROY

The matter pertains to appointment of the Gaonbuarah at Charge No.17 in Barpeta Mouza. When the Gaonbuarah vacancy at Charge No.17 occurred, earlier on 8.6.2012 (Annexure-2), the petitioner Kashem Ali Ahmed was permitted to discharge the duties of the Gaonbuarah. But the petitioner's appointment was challenged by another aspirant Jahurul Islam (respondent No.4), who filed an Appeal before the appellate authority.

2. The Commissioner of Lower Assam Division under his order of 8.10.2013 (Annexure-6) found merit in the challenge of the respondent No.4 and quashed the petitioner's appointment as Gaonbuarah on 8.6.2012 (Annexure-2). Consequently, the DC, Barpeta was directed to initiate a fresh process of selection, under the relevant provision of Rule 162 of the Land & Revenue Regulation (hereinafter referred to as the Regulation).

3. After the petitioner's appointment was quashed, one Akkabbar Ali, the Gaonbuarah of Charge No.7 was entrusted to look after the day to day works of the Charge No.17, through the order dated 16.8.2014 (Annexure-8) of the Circle Officer, Barpeta. In the meantime, the advertisement was issued on 6.8.2014 (Page-38) by the Addl. DC, Barpeta inviting applications for the Gaonbuarah's post of Charge No.17 in Barpeta district.

4. I have heard Mr. A Dewan, the learned Counsel for the petitioner, Ms. M Bhattacharjee, the learned Addl. Sr. Govt. Advocate for the State respondents and the learned Counsel Mr. H Ali, who appears for the respondent No.4.

5. It appears that the works of Charge No.17 is being managed on ad-hoc basis, through the Gaonbuarah of the Charge No.7 and this is certainly hampering the works in Charge No.17, where a regular Gaonbuarah has not been appointed. It further appears that recent executive instruction was issued on 6.1.2016, for selection and appointment of Gaonbuarahs and since the earlier advertisement issued on 6.8.2014 (Annexure-7) has not led to appointment of a regular person, I am of the considered view that the authorities should initiate a fresh process of recruitment for Charge No.17, by abandoning its earlier process initiated through the advertisement of 6.8.2014 (Annexure-7). This is considered necessary as fresh eligibility norms are prescribed recently to ensure appointment of better merited persons.

6. Consequently, the DC, Barpeta is directed to take necessary steps in accordance with the current norms for selection of the Gaonbuarah for Charge No.17. The petitioner and the respondent No.4 may offer their candidature and subject to eligibility, they be considered on merit, along with other applicants. The present ad hoc arrangement made on 16.8.2014 (Annexure-8) must end by 31.8.2017 and in the meantime, the regular Gaonbuarah should be selected and appointed. It is ordered accordingly.

7. With above order, the case stands disposed of. A copy of the order be furnished to Ms. M Bhattacharjee, the learned Addl. Sr. Govt. Advocate to enable her to communicate the order, to the concerned authorities.