

GAHC010062682023



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

Case No. : WP(C)/1693/2023

SHARIFUL ISLAM
S/O- ABDUL JALIL, VILL- NO. 1 BORALIMARI, P.O. PUB- BORALIMARI, P.S.
JURIA, DIST.- NAGAON, ASSAM, PIN- 782124

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, REVENUE
DEPTT., DISPUR, GHY-6

2:THE SELECTION COMMITTEE FOR SELECTION OF GAON PRADHAN
FOR VARIOUS VILLAGES UNDER DIFFERENT CIRCLE OF NAGAON
DISTRICT IN PURSUANCE OF ADVERTISEMENT UNDER MEMO. NO. NRK
31/2022/52(A) DATED 5.9.2022 ISSUED BY DEPUTY COMMISISONER
NAGAON REP. BY ITS CHAIRMAN
THE DEPUTY COMMISSIONER
NAGAON DISTRICT
P.O. NAGAON (SADAR)
DISTRICT NAGAON ASSAM
PIN- 782001

3:THE DEPUTY COMMISSIONER
NAGAON
DISTRICT- NAGAON
ASSAM
PIN- 782001

4:THE ADDL. DEPUTY COMMISSIONER (REVENUE)
NAGAON
P.O. NAGAON
DISTRICT- NAGAON
ASSAM

PIN- 782001

5:THE ADDL. DEPUTY COMMISSIONER AND SUB- DIVISIONAL OFFICER
(C)
KALIABOR
P.O. KALIABOR
DIST.- NAGAON
ASSAM
PIN- 782001

6:THE CIRCLE OFFICER
DHING REVENUE CIRCLE
P.O. AND P.S. DHING
DIST.- NAGAON
ASSAM
PIN- 782126

7:ABDUS SALAM
S/O- ABDUL KHALEK
VILL- BORALIMARI NO.1
P.O. PUB- BORALIMARI
P.S. JURIA
DIST.- NAGAON
ASSAM
PIN- 78212

Advocate for the Petitioner : MR. M A SHEIKH

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

31-03-2023

Heard Ms. A. Begum, learned counsel for the petitioner. Also heard Mr. S.S. Roy, learned Senior Government Advocate, Assam appearing for the respondent nos. 2, 3, 4, 5 & 6 and Mr. S. Dutta, learned Standing Counsel, Revenue Department appearing for the respondent no.1.

Considering the nature of the case the present writ petition is disposed of at the Motion stage itself without issuing any notice to the respondents.

The petitioner claims to be a resident of No.1 Boralimari village in the district of Nagaon. The petitioner is aggrieved by the appointment of the private respondent no.7 as the Gaon Pradhan of Boralimari village, who has been appointed in pursuance to the advertisement, dated 05.09.2022. In the said advertisement at serial no.39 the said Boralimari village has been shown as one of the villages under Alitangani Mouza, Dhing, Boralimari and the respondent no.7 has been appointed from the said village. As per the petitioner, there is no such village by the name of Boralimari under the said Mouza, rather there is No.1 Boralimari, No.2 Boralimari and Pub-Kaladuba villages under Alitangani Mouza. The petitioner is a resident of No.1 Boralimari village and there is already a Gaon Pradhan in No.1 Boralimari village. Having come to know about the appointment of the respondent no.7 as Gaon Pradhan in the said village, the petitioner had filed an RTI application in the office of the Circle Office, Dhing Revenue Circle, Nagaon, whereby in response to the queries made, reply was received from the office of the Circle Officer that in Alitangani Mouza there are three revenue villages i.e. No.1 Boralimari, No.2 Boralimari and Pub-Kaladuba. The population of those villages were also mentioned in the said reply to RTI.

Learned counsel for the petitioner submits that there is no village by the name of Boralimari under the said Alitangani Mouza, as per the information received from the Circle Office, Dhing Revenue Circle, Nagaon and as such, no appointment to the post of Gaon Pradhan can be made in respect of the village which is not in existence. Although the petitioner has approached the concerned Department in this regard but no response has been furnished to the petitioner regarding the queries raised and accordingly, the learned counsel for the

petitioner submits that the selection of the respondent no.7 to the said post is completely illegal and arbitrary. Being aggrieved, the present writ petition has been filed.

Learned Departmental counsels submit that there are no instructions in this regard to the grievance urged by the writ petitioner. However, the petitioner has approached this Court without availing the statutory remedy of appeal provided under the Act.

Accordingly, this Court is of the view that the ends of justice will be made if the writ petition is disposed of by giving liberty to the petitioner to file necessary representation before Deputy Commissioner, Nagaon within a period of 1 (one) week from the date of receipt of a certified copy of this order, by addressing all the grievance which has been raised before this Court. The Deputy Commissioner, Nagaon, thereafter shall dispose of the representation within a period of 30 (thirty) days from the date of receipt of the said representation filed. A copy of this order be also submitted before the DC, Nagaon along with the representation. Before any order is passed, opportunity of hearing, if desired by the petitioner, may be afforded to him and any order that may be passed by the D.C., Nagaon, shall be communicated in writing to the petitioner.

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

No order as to cost.

JUDGE

Comparing Assistant