

GAHC010022302019



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

Case No. : WP(C) 935/2019

1: PURNA KANTA BRAHMA AND 18 ORS.
S/O- SUBODH BRAHMA, R/O- VILL- NAMJAIPARA, P.O- BOROBAZAR, P.S-
BIJNI, DIST- CHIRANG, BTAD, ASSAM

2: JAHAR ALI SHEIK
S/O- LATE ABUL HUSSAIN
R/O- VILL- BATABARI
P.O- BIJNI
P.S- BIJNI
DIST- CHIRANG
BTAD
ASSAM

3: RAM CHANDRA RABHA
S/O- LATE BIBIRAM RABHA
R/O- VILL NO. 1
KHUJRAPGURI
P.O- MONGOLIAN BAZAR (MALIPARA)
P.S- BIJNI
DIST- CHIRANG
BTAD
ASSAM

4: ASAN ALI
S/O- LATE USHMAN ALI
R/O- VILL NO. 2 KAWADI
P.O- PATILADAHA (BAGHORGAN)
P.S- BIJNI
DIST- CHIRANG
BTAD
ASSAM

5: NOBER ALI
S/O- LATE MOYAN ALI

R/O- VILL- DUPURI
P.O- SONAIKOLA
P.S- BIJNI (PANBARI)
DIST- CHIRANG
BTAD
ASSAM

6: NAGEN MUCHAHARY
S/O- LATE ANANDI RAM MUCHAHARY
R/O- VILL- KOPTUPALI
P.O- HANCHARA (BIJNI)
P.S- BIJNI
DIST- CHIRANG
BTAD
ASSAM

7: RANJOY GOYARY
S/O- LATE KHAMINI GOYARY
R/O- VILL NO. 1 BHALATAL
P.O- BHALATAL
P.S- BIJNI
DIST- CHIRANG BTAD
ASSAM

8: KAMALESWAR BASUMATARY
S/O- LATE CENA RAM BASUMATARY
R/O- VILL NO. 1 SILKHAGURI
P.O- BAGORGAON
P.S- BIJNI
DIST- CHIRANG
BTAD
ASSAM

9: ABDUR RAHIM
S/O- LATE SAHABUDDIN
R/O- VILL- BOWPARA
P.O- ALUKHUNDA
P.S- BIJNI(PANBARI)
DIST- CHIRANG
BTAD
ASSAM

10: DANDESWAR MUCHAHARY
S/O- LATE NAKHARSING MUCHAHARY
R/O- VILL- MONESWARI
P.O- CHATIANGURI (BIJNI)
P.S- BIJNI
DIST- CHIRANG

BTAD
ASSAM

11: KHALILUR RAHMAN
S/O- LATE MABARAK ALI
R/O- VILL- DAWAGURI
P.O- BAGORGAON
P.S- BIJNI
DIST- CHIRANG
BTAD
ASSAM

12: KASHEM ALI
S/O- LATE ABUL HUSSAIN
R/O- VILL- BAGORGAON
P.O- BAGORGAON
P.S- BIJNI
DIST- CHIRANG
BTAD
ASSAM

13: ABDUL BAREK
S/O- ALTE KOLIM UDDIN SHEIKH
R/O- VILL NO. 1 MAJRABARI
P.O- BHALATAL
P.S- BIJNI
DIST- CHIRANG
BTAD
ASSAM

14: KAMESWAR BASUMATARY
S/O- LATE KANDURA BASUMATARY
R/O- VILL- NO. 2 CHATIANGURI
P.O- BIJNI
P.S- BIJNI
DIST- CHIRANG
BTAD
ASSAM

15: JAGODISH RAY @ JAGODISH CHANDRA RAY
S/O- THANESWAR RAY
R/O- VILL- PUB KHAMARPARA
P.O- BAGORGAON
P.S- BIJNI
DIST- CHIRANG
BTAD
ASSAM

16: UMA CHARAM BRAHMA
S/O- LATE GEBARAM BRAHMA
R/O- VILL- MAOJIPARA (KHALEPPARA)
P.O- BOROBABAR
P.S- BIJNI
DIST- CHIRANG
BTAD
ASSAM

17: NIREN DHAR
S/O- LATE LALIT DHAR
R/O- VILL NO. 2 CHARAGAON
P.O- HANCHARA (BIJNI)
P.S- BIJNI
DIST- CHIRANG
BTAD
ASSAM

18: AKARA ZAMAN @ AKARUJ JAMAN
S/O- LATE RAJAB ALI
R/O- VILL NO. 1 GORAIMARI
P.O- ALKHUNDA
P.S- PANBARI
DIST- CHIRANG
BTAD
ASSAM

19: MANGALSING BASUMATARY
S/O- LATE TEBRA RAM BASUMATARY @ TEBRA BASUMATARI
R/O- VILL- GAIBARI (NO. DEWANPARA)
P.O- BAGORGAON
P.S- BIJNI
DIST- CHIRANG
BTAD
ASSA

VERSUS

1:THE STATE OF ASSAM AND 8 ORS
THROUGH THE COMMISSIONER AND SECRETARY TO THE GOVT OF
ASSAM, REVENUE (LR) DEVELOPMENT DEPTT, DISPUR, GUWAHATI, PIN-
781006

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT OF ASSAM
FINANCE (ESTT-A) DEPTT
DISPUR
GHY

PIN- 781006

3:THE DIRECTOR
LAND RECORDS AND REVENUE DEVELOPMENT
ASSAM
GUWAHATI
PIN- 781006

4:THE BODOLAND TERRITORIAL COUNCIL
REP. BY THE SECRETARY
LAND RECORDS AND SURVEY
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
BTAD
ASSAM
PIN- 783370

5:THE DIRECTOR
LAND RECORDS AND SURVEYS
BTC
KOKRAJHAR
BTAD
ASSAM
PIN-

6:THE DEPUTY COMMISSIONER
CHIRANG
P.O
P.S AND DIST- CHIRANG
BTAD
ASSAM
PIN-

7:THE SUB DIVISIONAL OFFICER (C)
BIJNI
P.O AND P.S- BIJNI AND DIST- CHIRANG
BTAD ASSAM PIN-

8:THE SUB DIVISIONAL OFFICER(C)
SIDLI P.O AND P.S- SIDLI
DIST- CHIRANG
BTAD ASSAM PIN-

9:THE SUB DIVISIONAL OFFICER (C)
KAJALGAON P.O AND P.S- KAJALGAON
DIST- CHIRANG BTAD
ASSAM PIN

Advocate for the Petitioner : MR. A A R KARIM

Advocate for the Respondent : GA, ASSAM

**BEFORE
HON'BLE MR. JUSTICE N. KOTISWAR SINGH**

15.02.2019

Heard Mr. AAR Karim, learned counsel for the petitioners. Also heard Mr. SS Roy, learned Govt. Advocate, Assam for respondent Nos.6 to 9.

Learned counsel for the petitioners submits that the petitioners are presently serving as Gaonburahs on honorary basis in their respective villages. However, because of the change in the educational qualification in the impugned advertisement dated 10.12.2018, they could not apply for the said post. Being aggrieved, they had challenged the said advertisement.

Issue notice returnable by four weeks.

As Mr. Roy accepts notice on behalf of respondent Nos.6 to 9, no formal notice need be issued to the said respondents.

Petitioner shall serve extra copies of the writ petition to Mr. Roy within three days.

Petitioner to take steps for service of notice upon the respondent Nos.1 to 5 through the respective Standing Counsel or by registered post with A/D within three days.

If the petitioners are still continuing as Gaonburahs, they may be allowed to appear before the selection committee on submission of application within two weeks from today.

However, their result shall not be declared without the leave of the Court.

JUDGE

Comparing Assistant