

GAHC010023442021



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

Case No. : WP(C)/860/2021

MONOWAR HUSSAIN
S/O. SAMSER ALI, VILL. ND P.O. PABARSARA, P.S. AGOMONI, DIST.
DHUBRI, ASSAM.

VERSUS

THE STATE OF ASSAM AND 7 ORS
THROUGH THE PRINCIPAL SECY., TO THE GOVT. OF ASSAM, PANCHAYAT
AND RURAL DEVELOPMENT DEPTT., DISPUR, GUWAHATI-781006.

2:THE COMMISSIONER

PANCHAYAT AND RURAL DEVELOPMENT DEPTT.
JURIPAR
GUWAHATI-781037.

3:THE DY. COMMISSIONER

DHUBRI DISTRICT
DHUBRI
PIN-783301.

4:THE CHIEF EXECUTIVE OFFICER

ZILLA PARISHAD
DHUBRI
PIN-783301
DIST. DHUBRI
ASSAM.

5:THE BLOCK DEVELOPMENT OFFICER

AGOMMONI DEVELOPMENT BLOCK
AGOMONI

PIN-783335
DIST. DHUBRI
ASSAM.

6:THE SECRETARY

SINDURAI GAON PANCHAYAT
SINDURAI
P.O. BELGURI
P.S. AGOMONI
PIN-783335
DIST. DHUBRI
ASSAM.

7:THE PRESIDENT

SINDURAI GAON PANCHAYAT
SINDURAI
P.O. BELGURI
P.S. AGOMONI
PIN-783335
DIST. DHUBRI
ASSAM.

8:JAHANGIR HUSSAIN
S/O. JAHAR ALI
R/O. VILL. SINDURAI
PART-II
P.O. BELGURI
P.S. AGOMONI
PIN-783335
DIST. DHUBRI
ASSAM

Advocate for the Petitioner : MR. A DAS

Advocate for the Respondent : SC, PNRD

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

23-04-2024

Heard Shri A. Das, learned counsel for the petitioner. Also heard Shri S. Dutta,

learned Standing Counsel, P&RD whereas Shri N. Islam, learned counsel is present for the respondent no. 8. Shri D. Borah, learned counsel for the State respondents.

Certain factual issues have been raised in this petition which are disputed in nature. Though this Court may not go deep into such factual disputes as it is not within the ambit of the exercise to be conducted under Article 226 of the Constitution of India, Shri Dutta, the learned Standing Counsel is directed to obtain instructions on the following aspects:-

- (i) Appointment, if any of the petitioner as Peon-cum- Chowkidar in the Sindurai Gaon Panchayat, Dhubri which he claims through a Resolution dated 12.08.2010,
- (ii) Appointment of one Nur Ali in the same post *w.e.f.* 27.09.2010 and the consequence thereof.
- (iii) Appointment of Shri Jahangir Hussain, the respondent no. 8 in the same post as claimed from 13.08.2004.

List this case on **20.05.2024**.

Parties may exchange their affidavits in the meantime.

JUDGE

Comparing Assistant