

GAHC010024442025



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

Case No. : WP(C)/883/2025

ASHALATA ADHIKARY
W/O- LATE KAMALA KANTA ADHIKARY, VILL.- DAKHIN KACHAKHANA,
P.S. TAMARHAT, DIST. DHUBRI, ASSAM, PIN- 783334.

VERSUS

THE STATE OF ASSAM AND 9 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, HOME AND POLITICAL DEPARTMENT, DISPUR, GHY-6.

2:THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GHY-6.

3:THE DIRECTOR GENERAL OF
CIVIL DEFENCE AND COMMANDANT GENERAL OF HOME GUARDS
ASSAM
BELTOLA
GUWAHATI-28.

4:THE COMMANDANT
1ST ASSAM SPECIAL RESERVE FORCE
BN. BARJHAR
NALBARI
ASSAM

5:THE ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA

GHY-29.

6:THE TREASURY OFFICER
NALBARI
ASSAM

7:THE DISTRICT COMMISSIONER
DHUBRI
ASSAM
PIN- 783101.

8:THE SUB-DIVISIONAL MAGISTRATE
DHUBRI
ASSAM
PIN- 783101.

9:THE CIRCLE OFFICER
GOLOKGANJ REVENUE CIRCLE
GOLOKGANJ
DHUBRI
ASSAM
PIN- 783334.

10:JONAKI ADHIKARY
VILL.- BARJHAR
P.O. BARAMA
P.S. AND DIST. NALBARI
ASSAM
PIN- 781371

Advocate for the Petitioner : MD H R AHMED, M BEGUM

Advocate for the Respondent : GA, ASSAM, MR M HUSSAIN (R-10),MR. N HAQUE(R-10),SC,
FINANCE,SC, AG

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

17.03.2026

Heard learned counsel for the parties.

2. The counsel for the petitioner has referred to the earlier order dated

05.02.2026, whereby direction was issued by coordinate bench that the Circle Officer Golakganj will provide Next of Kin certificate to the learned Additional Senior Government Advocate and a copy thereof be placed before the Court on the next day.

3. According to the petitioner, this order came to be issued, as there was a finding by the Sub-Divisional Magistrate in a proceedings was initiated and upon examining the relevant materials it had come to the conclusion that the next of kin certificate in respect of the writ petitioner may be issued.

4. In pursuance thereto, the petitioner applied for the next of kin certificate before the Circle Officer, Golakganj. The Circle Officer Golakganj has undertaken enquiry earlier. The order of the SDM, Dhubri also reflects that an enquiry was earlier undertaken by the Circle Officer, Golakganj, who had submitted in his report that the next of kin of late Kamala Kanta Adhikary, Ex- Constable ASRF,BN-1 are the petitioner and her daughter.

5. In the said report, it was also mentioned that the deceased employee also had two children born out the conjugal relationship with the private respondent No. 10 who are stated to be residing in Nalbari. Since in terms of the speaking order issued by the SDM, Dhubri, the next of kin certificate was not issued by the Circle Officer, Golakganj, the present writ petition has been filed.

6. In deference to the directions issued by the Court by the order dated 05.02.2026, the learned counsel appearing for the State has submitted before the Court the instructions have been received from the Circle Officer, Golakganj by the communication order dated 27.02.2026, which are placed before the Court.

7. A perusal of the instructions reflects that the Circle Officer did not issue Next of Kin certificate in respect of the deceased employee, as the same had

already been issued from Nalbari. It was further stated that the death certificate produced before the Circle Officer, Golakanj had also reflected that the death of the deceased employee occurred in Nalbari.

8. Government Notification dated 23rd of September, 2024 was referred to state that Next of Kin Certificate is to be issued by Circle Officer within its jurisdiction that the deceased ordinarily resided prior to his or her death. Under such circumstances, the Next of Kin certificate sought from the Circle Officer, Golakganj, could not be issued.

9. In order to resolve the issue between the parties as to whether the Next of Kin certificate is to be issued from Nalbari or from Golakganj, it would be necessary to examine the service particular of the deceased employee as also the notification dated 23.09.2024.

10. Let the learned Government Counsel place before the Court the service particulars as is available in the service records of the deceased employee and also the Government Notification dated 23.09.2024. The learned counsel for the respondent No. 9 can also file an affidavit if so advised in the meantime.

11. The learned counsel for the petitioner will also address before the Court whether during the currency of Next of Kin Certificate already issued by the Circle Officer of different Circle in respect of the same person, whether another Next of Kin certificate can be issued under the provisions of Law and the Rules relating thereto, without cancellation of the Next of Kin Certificate issued at the earlier point in time.

12. Let this matter be listed again on 02.04.2026.

JUDGE

Comparing Assistant