

GAHC010031002026



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

**Case No. : WP(C)/2609/2026**

ZAKIR HUSSAIN AND OTHERS  
S/O- ABDUL MOTALIQUE,  
ASSAM

2: RASHIDUL HOQUE  
S/O- ABDUL WARIS

3: ERSAJUL HOQUE  
S/O- LATE ABDUL HAMID

4: DILOWAR HUSSAIN  
S/O- FARUK AHMED

5: MUSSTT. RUKIA BEGUM  
W/O- FARUK AHMED

6: HASINA BEGUM  
W/O- A WARIS

7: MD. JOINUDDIN  
S/O- FORIZUDDIN.

ALL ARE R/O- VILL- NO-3 KAKI  
3000 BIGHA  
P.O- TERELANGSHU  
P.S- KAKI  
PIN-782446  
DIST- HOJAI  
ASSAM

VERSUS

THE STATE OF ASSAM AND OTHERS  
REPRESENTED BY THE COMMISSIONER SECRETARY TO THE

GOVERNMENT OF ASSAM, PANCHAYAT RURAL DEVELOPMENT  
DEPARTMENT, DISPUR, GUWAHATI 781006.

2: THE DIRECTOR  
OF PANCHAYAT AND RURAL DEVELOPMENT  
JURIPAR  
PANJABARI  
GUWAHATI-37

3: THE DISTRICT COMMISSIONER  
HOJAI  
ASSAM  
PIN-782435

4: THE SECRETARY  
43  
(2/3) NO. KAKI GAON PANCHAYAT  
HOJAI  
ASSAM  
PIN-782435

5: KHALIDA KHATUN  
D/O- ASKAR ALI

R/O- VILL- NO-3 KAKI  
3000 BIGHA  
P.O- TERELANGSHU  
P.S- KAKI  
PIN-782446  
DIST- HOJAI  
ASSAM

**Advocate for the Petitioner** : MD. A H LASKAR, MR. A T H AHMED

**Advocate for the Respondent** : SC, P AND R.D., GA, ASSAM

**BEFORE**  
**HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

**ORDER**

**Date : 20.05.2026**

Heard Mr. A.H. Laskar, learned counsel for the petitioners; Ms. P. Thapa, learned counsel on behalf of Mr. S. Dutta, learned Standing Counsel, Panchayat & Rural Development

[P&RD] Department for the respondent nos. 1, 2 & 4; and Mr. N. Goswami, learned Junior Government Advocate, Assam for the respondent no. 3.

2. The case of the petitioners is that the respondent no. 5, who has been elected as a Gaon Panchayat Ward Member, does not have the educational qualification of Higher Secondary Examination. Yet, at the time of filing the nomination, the respondent no. 5 had declared that her educational qualification as Higher Secondary Examination Pass from the Assam Higher Secondary Education Council [AHSEC]. The petitioners have come to learn that the Pass Certificate on the basis of which the respondent no. 5 had claimed herself to be Higher Secondary Examination Pass has been declared to be a counterfeit document by the AHSEC.

3. In this writ petition, the petitioners have sought disqualification of the respondent no. 5 as a Gaon Panchayat Ward Member from Ward no. 10 of No. 43 Kaki Gaon Panchayat.

4. Section 111[2][4] of the Assam Panchayat Act, 1994, as amended, has inter alia prescribed that no person shall be elected and remain as a Gaon Panchayat Member if he/she has not passed H.S.L.C. or equivalent examination under any Council or Board recognised by the State or the Central Government, as the case may be. It is not a specific case of the petitioners that the respondent no. 5 does not have the qualification of H.S.L.C. Examination Pass. If the respondent no. 5 has the qualification of H.S.L.C. Examination pass, the declaration by the AHSEC about the counterfeit nature of the H.S. Pass Certificate submitted by the respondent no. 5 as her educational qualification and declared in the nomination could, at best, be a case of showing a false affidavit.

6. Keeping the issue of maintainability of the writ petition open, let notice be issued. Notice is made returnable in 6 [six] weeks.

7. As Ms. Thapa has appeared and accepted notice on behalf of the respondent nos. 1, 2 & 4; and Mr. Goswami has appeared and accepted notice on behalf of the respondent no. 3, issuance of formal notice in respect of the said respondents stand dispensed with. The

learned counsel for the petitioners shall serve requisite nos. of extra copies of the writ petition along with annexures, to Ms. Thapa and Mr. Goswami within 2 [two] working days from today.

8. The petitioner shall take steps for service of notice upon the respondent no. 5 within 3 [three] working days from today.

**JUDGE**

**Comparing Assistant**