

GAHC010035382026



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

Case No. : WP(C)/1090/2026

SRI JAYANTA KHERKATARY
S/O LATE RAMO KHERKATARY, R/O VILLAGE- BENNIBARI, P.O- HOWLY,
DISTRICT- BAKSA, BTR, ASSAM. PIN- 781316

VERSUS

THE STATE OF ASSAM AND 8 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM, DISPUR GUWAHATI-781006

2: THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
PERSONNEL (B) DEPARTMENT
DISPUR
GUWAHATI-6

3: THE SECRETARY TO THE GOVERNMENT OF ASSAM
PERSONNEL (B)
DEPARTMENT
DISPUR
GUWAHATI-6

4: THE SECRETARY TO THE GOVERNMENT OF ASSAM
CO-OPERATION DEPARTMENT
DISPUR
GUWAHATI-6

5: THE UNDER SECRETARY
CO-OPERATION DEPARTMENT
DISPUR
GUWAHATI-6

6: SMT. ANUPAMA CHAKRAVARTY

THE DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES
O/O DEPUTY REGISTRAR OF CO- OPERATIVE SOCIETIES
GOALPARA
ASSAM

7:SRI KAN KUMAR SARMA
THE DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES
O/O- REGISTRAR OF CO-OPERATIVE SOCIETIES
ASSAM
KHANAPARA
GUWAHATI-781022

8:SRI RAJDIP NATH
THE DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES
O/O- DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES
UDALGURI
ASSAM

9:SMT. LIPIKA SARKAR
THE DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES
O/O- REGISTRAR OF CO-OPERATIVE SOCIETIES
ASSAM
KHANAPARA
GUWAHATI-78102

Advocate for the Petitioner : MR S M ABDULLAH P, MR H K DAS,MS D MAHANTA,MR N K SARMA,MS F HUSSAIN

Advocate for the Respondent : GA, ASSAM, FOR CAVEATOR,MR. R BORPATRA,MR. M SARMA,MR. M K CHOUDHURY,SC, CO OP

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

25.02.2026

Heard Mr. HK Das, learned counsel for the petitioner.

2. The petitioner is aggrieved by the final gradation list for the Deputy Registrar of the Co-operative Societies as on 01.01.2026, whereby according the

petitioner whose name ought to have been at serial no.1, his seniority was downgraded to Serial No.5. Learned counsel for the petitioner submits that the petitioner was promoted earlier by 11.07.2008 by giving him accelerated promotion and therefore, the seniority list in the post of Deputy Registrar of the Co-operative Societies was finalized on 01.07.2018. Subsequently, the persons who have been now placed above the writ petitioner were promoted and the Authorities contrary to the policy which they had taken earlier restructured the gradation list and placed these persons above in the seniority list. The petitioner is aggrieved that his seniority is altered contrary to the policy decision which was earlier taken by the Government. The further grievance of the petitioner is that now the Department is contemplating to promote officers to the next higher post of Joint Registrar of Co-operative Societies. As per the earlier seniority list, the petitioner was at serial no.1, however, by the impugned seniority list dated 01.01.2026, the petitioner has been downgraded at serial no.5 and as a consequence thereof, he is being placed outside the zone of consideration for the one vacant post of Joint Registrar of Cooperative Societies. It is submitted that the DPC has already been convened and the authorities are in the process of recommending/short-listing the candidates for selecting on promotion to the higher post of Joint Registrar of the said Societies. Under such circumstances, the petitioner is before the Court praying for interference of the

final gradation list in the post of Deputy Registrar and the direction to rearrange the seniority and a consequential direction to interfere with the proceedings of the Departmental Promotion Committee, which has undertaken the selection process for promotion to the next higher post of Joint Registrar of Cooperative Societies.

3. Mr. MK Choudhury learned Senior Counsel for the respondents no.6 & 7 submits that there is no infirmity in the steps undertaken by the Department as the rearrangement was made on the basis of the "catchup rule" which has been adopted by the State pursuant to the judgments passed by the Apex Court in *S Panneer Selvam and Others vs. State of Tamil Nadu and Others* reported in (2015) 10 SCC 292. Mr. MK Choudhury, learned Senior Counsel further submits that earlier in the year 2023 also when the petitioner's position was downgraded and selection were made, he did not make any challenge. Under such circumstances, learned Senior Counsel submits that this is not a case which calls for interference of the seniority list as also the Departmental Promotion Committee which considers the cases of the Government Officers in terms of the final gradation list published for the post of Deputy Registrar.

4. Mr. H Talukdar, learned counsel for the respondent nos. 4 & 5 and Mr. CKS Baruah, learned State Counsel, 1, 2 & 3 are present.

5. Mr. H Talukdar, learned counsel for the respondent no. 4 & 5 and Mr. CKS Baruah, learned State Counsel, Assam, for the respondents no. 1, 2 & 3 submit that they would like to complete their instructions in the matter.
6. Considering the issues raised, let Notice be issued, returnable by 4 (four) weeks.
7. Mr. H Talukdar, learned counsel appears for the respondent nos. 4 & 5 and Mr. CKS Baruah, learned State Counsel, Assam appears for the respondent nos. 1, 2 & 3 and Mr. M Sarma, learned counsel appearing on behalf of Mr. MK Choudhury, learned Senior Counsel for the respondent nos. 6 & 7. Accordingly, Notices are waived in respect of the respondents no. 1 to 7. However, extra copies be furnished to them within 1 (one) week from today.
8. Learned counsel for the petitioner shall take steps for service of notice upon the respondents no. 8 & 9 by speed post within 1 (one) week from today.
9. Issue notice on the interim prayer, returnable by 27.03.2026.
10. List the matter again on 27.03.2026.
11. Any promotion, if made, will be subject to the outcome of the writ petition.

JUDGE

Comparing Assistant