

GAHC010064052026



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

Case No. : WP(C)/1841/2026

NRIPEN KUMAR NATH
SON OF- LATE DUGDHA RAM NATH..
RESIDENT OF VILLAGE - BASACHUBA, P.O.- DHEKIPARA, P.S.-SIPAJHAR,
DISTRICT- DARRANG, ASSAM, PIN- 784145.

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE SECRETARY, REVENUE AND DM (LR)
DEPARTMENT. GOVERNMENT OF ASSAM, DISPUR, GUWAHATI-781006

2:THE DIRECTOR OF LAND RECORDS AND SURVEY
ASSAM
RUPNAGAR
GUWAHATI- 781032.

3:THE DISTRICT COMMISSIONER
DARRANG
MANGALDOI
ASSAM.

4:THE CIRCLE OFFICER
SIPAJHAR REVENUE CIRCLE
DARRANG
ASSAM

5:SRI KUSUM KUMAR NATH
SON OF- LATE KHANGIDHAR NATH

RESIDENT OF- VILLAGE - BASACHUBA

P.O.- DHEKIPARA

P.S.-SIPAJHAR

DISTRICT- DARRANG
ASSAM
PIN- 784145

Advocate for the Petitioner : MR. M DUTTA, MR. S K SINGHA, MR. N C DAS

Advocate for the Respondent : GA, ASSAM, SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

30.03.2026

Heard Mr. M Dutta, learned counsel for the petitioner.

The petitioner is aggrieved by the impugned order dated 23.02.2026 passed by the Director of Land, Records and Surveys etc, who is the Appellate Authority, in an appeal preferred by the respondent no.5 challenging the order of appointment of the writ petitioner by order dated 14.07.2023 issued by the Deputy Commissioner, Darrang, Mangaldai for being appointed as Gaon Pradhan in Bochachuba Village, Lot no.3 under Sipajhar Revenue Circle, Darrang, Assam. Learned counsel for the petitioner submits that by the speaking order passed by the Appellate Authority, his appointment as Gaon Pradhan was interfered with on the ground that the Deputy Commissioner, Darrang, Mangaldai failed to

award preferential marks to the appellant/the respondent no.5 as the appellant/the respondent no.5 was a relative of former Gaon Pradhan and which is contrary to the executive instructions and selection norms. Mr. M Dutta, learned counsel for the petitioner submits that in the advertisement although there is a reference for indicating preference in cases of any relatives being Gaon Pradhan of the candidate concerned, there is no provision for allotments of any marks. He further submits that the parameters of preference are to be applied only when the marks obtained by the competing parties are found to be equal. He submits that in the present case, the petitioner had secured 28.67 as compared to the marks received by the respondent no.5 as 26.67. Under such circumstances, there is no scope for applying the parameters of '*preference*' and the same has been wrongly applied by the Appellate Authority interfering with the order of appointment of the writ petitioner. Being aggrieved, the present writ petition has been filed.

Learned counsel for the petitioner has placed into service the judgment of the Coordinate Bench rendered in *Md. Raja Ali vs. The State of Assam and Others* reported in 2024 0 Supreme (Gau) 1064 [WP(C) No.6774/2022 disposed of on 30.08.2024] in support of his contention.

The respondent counsel submits that at this stage notice be issued,

permitting them to complete their instructions. They have also raised the question of maintainability as there is a provision of review under executive instructions of 162(D) which provides for review and which is not availed of by the petitioner.

Considering the issues raised, let notice be issued, returnable by 29.04.2026.

Since Mr. TC Chutia, learned Additional Senior Government Advocate, Assam appears and accepts notice on behalf of the respondents no. 3 & 4 and Mr. S Dutta, learned Standing Counsel, Revenue Department appears and accepts notice on behalf of the respondent nos. 1 & 2, Notices are waived in respect of the respondents no. 1 to 4. However, extra copies be furnished to them within 1 (one) week from today.

Issue notice on the interim prayer, making it returnable on 29.04.2026.

Pursuant to the order dated 23.02.2026 passed by the Appellate Authority whereby the selection of the petitioner was set aside, the Deputy Commissioner, Darrang has also issued a consequential order terminating the service of the writ petitioner and the charges have been handed over to the respondent no.5 on 10.03.2026.

List the matter on 29.04.2026.

Prayer for interim order will be considered on that date.

JUDGE

Comparing Assistant