

GAHC010092462025



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

**Case No. : WP(C)/2421/2025**

SRI KULADHAR DEKA AND 4 ORS  
S/O. LATE PRASANNA DEKA, R/O. GEETANAGAR, P.O. BAMUNI MAIDAM,  
DIST. KAMRUP (METRO), ASSAM, PIN- 781021.

2: MD. MAHBUBUR RAHMAN  
S/O. MOHAMMAD ALI  
R/O. COLLEGE ROAD  
NEAR APOLLO ENGLISH MEDIUM SCHOOL  
NATHPARA  
KHALILPUR (PART)  
P.O. DHUBRI  
DIST. DHUBRI  
ASSAM  
PIN- 783325.

3: MD. ABDIDAR HUSSAIN SIDDIQUEE  
S/O. LATE ABUBAKKAR SIDDIQUE

R/O. VILL. AND P.O. HAHCHARA GAON

DIST. MORIGAON  
ASSAM  
PIN- 782126.

4: SRI JYOTI PRABHAT DUARAH  
S/O. GOPAL CHANDRA DOWERAH

R/O. PRATISTHA ENCLAVE  
FLAT NO. 7/E BLOCK A  
KANDURA MIKIR PATH  
LALMATI  
BARSAJAI  
P.O. BASISTHA  
GUWAHATI

DIST. KAMRUP(M)  
PIN- 781029.

5: SRI APURBA BHUYAN  
S/O. LATE GUNA BHUYAN

R/O. BHIRGAON (BISWANATH CHARIALI)

PANI BHARAL CHARIALI  
P.O. PANIBHARAL

DIST. BISWANATH  
ASSAM  
PIN- 784176

VERSUS

THE STATE OF ASSAM AND 2 ORS  
REP. BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM,  
FISHERY DEPT., DISPUR, GUWAHATI- 6.

2:THE DEPARTMENTAL PROMOTION COMMITTEE

REP. BY IT'S MEMBER  
SECRETARY-CUM- JOINT SECRETARY TO THE GOVT. OF ASSAM  
FISHERY DEPT.  
DISPUR  
GUWAHATI- 6.

3:THE DIRECTOR OF FISHERIES  
ASSAM  
MEEN BHAWAN  
BIRUBARI  
GUWAHATI- 16

**Advocate for the Petitioner** : MR. I H SAIKIA, MR K KASHYAB,MR. B BORAH,MR. K KALITA

**Advocate for the Respondent** : SC, FISHERY,

**BEFORE**  
**HON'BLE MR. JUSTICE SOUMITRA SAIKIA**  
**O R D E R**

**17.03.2026**

Heard Mr. I.H Saikia, learned counsel for the petitioners and Mr. P. Sharma, learned Standing Counsel, Fishery Department, Assam.

The grievance of the petitioners is that they are presently serving as Sub-Divisional Fishery Development Officers in various sub-divisions, but are also holding charges as District Fishery Development Officers. In the process undertaken by the Department for filling up the vacant posts of District Fishery Development Officers, a DPC was initiated and out of the 10(ten) vacancies which was shown to be available for the year 2024, 07(seven) posts were filled up. However, 03(three) clear vacancies in the post of District Fishery Development Officer and 03(three) anticipated vacancies in the post of District Fishery Development Officer were not proceeded to be filled up by the department, resulting in non-consideration of the claims of the petitioners for promotion to the next higher post.

Learned counsel for the petitioners by referring to Rule 11(C) of the Assam Fisheries and Aquaculture Service Rules, 2024 (in short Rules of 2024), submits that under Rule 11(C), the eligibility for being considered for promotion to the cadre of District Fishery Development Officer is 05(five) years of service either as a Sub-Divisional Fisheries Development Officer or Research Assistant (Fisheries) or they will have to render 10(ten) years of continuous service in different cadres of the service on the 1<sup>st</sup> day of January of the year of promotion.

Learned counsel for the petitioners submits that like their compatriot who

have been promoted to fill up 07(seven) vacancies of District Fishery Development Officer, the writ petitioners were also similarly situated. Although they have not completed 05(five) years of service as Sub-Divisional Fisheries Development Officers or Research Assistant (Fisheries), they had alternatively rendered 10(ten) years of continuous service in different cadres of the service on the 1<sup>st</sup> day of January of the year of promotion, as is required under Rule 11(C) of the Rules of 2024 and as such they were considered eligible and promoted to the next higher post.

Further submission of the learned counsel for the petitioners is that the petitioners are presently serving as in-charge District Fishery Development Officer in the vacancies which posts are yet to be filled up on regular basis. To the best of the knowledge of the learned counsel for the petitioners, it is submitted that their cases have also been put up before the Departmental Promotion Committee and which was considered, but the results are not declared and the outcome is not known to the petitioners for the 2025 Departmental Promotion Committee.

Per-contra, Mr. P. Sharma, learned Standing Counsel, Fisheries Department submits that the Rules referred to by the learned counsel for the petitioners stood amended w.e.f. 12.02.2026, whereby the Rules have been amended to provide that for the promotion to the posts of District Fishery Development Officer, the incumbent is required to render at least 10(ten) years of continuous service in the cadre of Assistant Fishery Officer and also the incumbent will have to complete 09(nine) months of training in the Fisheries Training Institute, Joysagar, Guwahati or in any other Training Institutes sponsored by the Government of India. He therefore, submits that in view of the amendment brought into the Rules, the promotions which are to be undertaken will have to be governed by the amended Rules. Mr.

Sharma, however submits that as on date he does not have instructions nor the records available to apprise the Court the status of the Departmental Promotion Committee undertaken for the vacancy year 2025. He submits that this record be permitted to be called for and instructions be obtained in the matter.

Considering that the records pertaining to the Departmental Promotion Committee will be relevant for deciding the present proceeding, let this matter, as agreed to, be listed on **24.03.2026** for further hearing.

List accordingly.

**JUDGE**

**Comparing Assistant**