

GAHC010108452026



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

**Case No. : I.A.(Civil)/1811/2026**

BIJOY BARLA,  
ASSISTANT EXECUTIVE ENGINEER,POLLUTION CONTROL  
BOARD,ASSAM, BYLANE NO.2, NABAPUR, MAZGAON,  
TEZPUR,SONITPUR, PINCODE 784001,DISTRICT SONITPUR, ASSAM.

2: GAUTAM NANDI

ASSISTANTEXECUTIVE ENGINEER  
POLLUTION CONTROL BOARD  
ASSAM HEAD OFFICE  
BAMUNIMAIDAM  
GUWAHATI  
PINCODE 781021  
DIST KAMRUP

3: JAYANTA KUMAR DUTTA  
ASSISTANT EXECUTIVEENGINEER  
POLLUTIONCONTROL BOARD  
ASSA  
REGIONAL LABORATORY-CUMOFFICE  
MELACHOKOR  
SIVSAGAR  
PIN CODE 785640  
DISTRICT- SIVSAGAR  
ASSAM.

4: UJJAL KUMAR SHARMA

ASSISTANT EXECUTIVEENGINEER  
POLLUTIONCONTROL BOARD  
ASSAM  
HEAD OFFICE  
BAMUNIMAIDAM  
GUWAHATI

PIN 781021  
DIST KAMRUPM  
ASSAM

5: NAGEN CHANDRA BORO  
ASSISTANT EXECUTIVEENGINEER HEAD OFFICE  
BAMUNIMAIDAM  
GUWAHATI  
PIN 781021  
DIST KAMRUPM  
ASS

VERSUS

THE STATE OF ASSAM,  
REPRESENTED BY THEPRINCIPAL SECRETARY TO THEGOVT. OF  
ASSAM,ENVIRONMENT AND FOREST DEPARTMENT, DISPUR GUWAHATI-  
781006, ASSAM.

2:THE SECRETARY TO THE GOVERNMENT OF ASSAM  
ENVIRONMENT AND FORESTSDEPARTMENT  
DISPUR  
GUWAHATI-781006  
ASSAM.

3:THE POLLUTION CONTROL BOARD  
REPRESENTED BY ITSCHAIRMAN  
BAMUNIMAIDAM  
GUWAHATI-781021.

4:THE CHAIRMAN  
POLLUTIONCONTROL BOARD  
BAMUNIMAIDAM  
GUWAHATI781021.

5:THE MEMBER SECRETARY  
POLLUTION CONTROL BOARD  
BAMUNIMAIDAM  
GUWAHATI781021.

6:THE ASSISTANT PUBLIC INFORMATION OFFICER AND EXECUTIVE  
ENGINEER  
POLLUTION CONTROL BOARD  
ASSAM  
HEAD OFFICEBAMUNIMAIDAM  
GUWAHATI781021.

7:JAGAT DEKA

SON OF HARICHARAN DEKA  
RESIDENT OF VILLAGE BELSOR  
P.S -BELSOR  
CHUPA -PATOWARIPARA. DIST. NALBARI  
ASSA. PRESENTLY WORKING AS ASSISTANT ENGINEER  
REGIONAL OFFICE  
POLLUTION CONTROL BOARD  
ASSAM  
BAMUNIMAIDAM  
GUWAHATI  
PIN 781021  
DIST KAMRUPM

8: SRI DIPRAJ ARDAO  
ASSISTANT EXECUTIVE ENGINEER  
POLLUTION CONTROL BOARD  
ASSAM  
HEAD OFFICE BAMUNIMAIDAM  
GUWAHATI -781021  
KAMRUPM  
ASSAM

**Advocate for the Petitioner** : MR. S K DAS, MR A I TALUKDAR, MR. K N CHOUDHURY

**Advocate for the Respondent** : SC, FOREST, SC, PCB, MR. R DE(R7)

Linked Case : WA/12/2023

DHIREN SARMA AND 9 ORS.  
ASSISTANT EXECUTIVE ENGINEER  
REGIONAL LABORATORY CUM OFFICE  
POLLUTION CONTROL BOARD ASSAM  
RATNAWALI HEIGHT  
1ST FLOOR  
OPP. BIRJHORA H.S. SCHOOL  
BONGAIGAON  
PIN-783380  
DIST. BONGAIGAON  
ASSAM

2: JAYANTA KULADHIPAT NATH  
ASSISTANT EXECUTIVE ENGINEER  
REGIONAL OFFICE  
POLLUTION CONTROL BOARD ASSAM

COLLEGE TINIALI  
NEAR CIRCUIT HOUSE PIN-785621  
DIST. GOLAGHAT  
ASSAM

3: BENUDHAR TALUKDAR  
ASSISTANT EXECUTIVE ENGINEER  
REGIONAL LABORATORY CUM OFFICE  
POLLUTION CONTROL BOARD ASSAM  
RATNAWALI HEIGHT  
1ST FLOOR  
OPP. BIRJHORA H.S. SCHOOL  
BONGAIGAON  
PIN-783380  
DIST. BONGAIGAON  
ASSAM

4: PATHAK CHANDRA BORO  
ASSISTANT EXECUTIVE ENGINEER  
REGIONAL OFFICE GUWAHATI 1 POLLUTION CONTROL BOARD  
ASSAM  
BAMUNIMAIDAM NEAR GOVT. PRESS  
GUWAHATI  
PIN-781021  
DIST. KAMRUP M ASSAM

5: ARABINDA DAS  
ASSISTANT EXECUTIVE ENGINEER  
REGIONAL LABORATORY CUM OFFICE  
POLLUTION CONTROL BOARD ASSAM  
PARK ROAD  
SILCHAR DEVELOPMENT AUTHORITY BUILDING SILCHAR  
PIN-788002  
DIST. CACHAR

6: BIJOY BARLA  
ASSISTANT EXECUTIVE ENGINEER  
POLLUTION CONTROL BOARD ASSAM  
BY LANE NO. 2 NABAPUR  
MAZGAON  
TEZPUR SONITPUR PIN-784001 DIST. SONITPUR  
ASSAM

7: GAUTAM NANDI  
ASSISTANT EXECUTIVE ENGINEER  
POLLUTION CONTROL BOARD ASSAM  
HEAD OFFICE BAMUNIMAIDAM GUWAHATI-781021 DIST. KAMRUP M  
ASSAM

8: JAYANTA KUMAR DUTTA  
ASSISTANT EXECUTIVE ENGINEER  
REGIONAL OFFICE  
POLLUTION CONTROL BOARD ASSAM  
BAIRAGIMATH DIBRUGARH  
PIN-786001 DIST. DIBRUGARH  
ASSAM

9: UJJAL KUMAR SARMA  
ASSISTANT EXECUTIVE ENGINEER  
POLLUTION CONTROL BOARD ASSAM  
HEAD OFFICE BAMUNIMAIDAM GUWAHATI-781021 DIST. KAMRUP M  
ASSAM

10: NAGEN CHANDRA BORO  
ASSISTANT EXECUTIVE ENGINEER  
HEAD OFFICE BAMUNIMAIDAM GUWAHATI-781021 DIST. KAMRUP M  
ASSAM  
VERSUS

THE STATE OF ASSAM AND 7 ORS.  
REP. BY THE PRINCIPAL SEC. TO THE GOVT. OF ASSAM  
ENVIRONMENT AND FOREST DEPTT. DISPUR-781006

2: THE SECRETARY  
TO THE GOVT. OF ASSAM  
ENVIRONMENT AND FOREST DEPTT. DISPUR GUWAHATI-6

3: THE POLLUTION CONTROL BOARD  
REP. BY ITS CHAIRMAN BAMUNIMAIDAM  
GUWAHATI-781021

4: THE CHAIRMAN  
POLLUTION CONTROL BOARD  
BAMUNIMAIDAM  
GUWAHATI-781021

5: THE MEMBER SECRETARY  
POLLUTION CONTROL BOARD  
BAMUNIMAIDAM  
GUWAHATI-781021

6: THE ASSISTANT PUBLIC INFORMATION OFFICER AND EXECUTIVE  
ENGINEER  
POLLUTION CONTROL BOARD  
HEAD OFFICE BAMUNIMAIDAM  
GUWAHATI-781021

7:JAGAT DEKA  
S/O LT. HARICHARAN DEKA  
R/O VILL. BELSOR P.O. BELSOR  
P.S BELSOR CHUPA PATOWARY PARA  
DIST. NALBARI  
PRESENTLY WORKING AS ASSTT. ENGINEER  
REGIONAL OFFICE  
POLLUTION CONTROL BOARD  
ASSAM  
BAMUNIMAIDAM  
GUWAHATI  
781021  
DIST KAMRUP M ASSAM

8:DIPRAJ ARDAO  
ASSISTANT EXECUTIVE ENGINEER  
POLLUTION CONTROL BOARD ASSAM  
HEAD OFFICE BAMUNIMAIDAM GUWAHATI-781021 DIST. KAMRUP M  
ASSAM

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Advocate for : MR. S K DAS  
Advocate for : SC  
FOREST appearing for THE STATE OF ASSAM AND 7 ORS.

Linked Case : WA/53/2025

BIJOY BARLA AND 4 ORS  
ASSISTANT EXECUTIVE ENGINEER  
POLLUTION CONTROL BOARD ASSAM  
BY LANE NO. 2 NABAPUR  
MAZGAON  
TEZPUR SONITPUR PIN-784001 DIST. SONITPUR  
ASSAM

2: GAUTAM NANDI  
ASSISTANT EXECUTIVE ENGINEER  
POLLUTION CONTROL BOARD ASSAM  
HEAD OFFICE BAMUNIMAIDAM GUWAHATI-781021 DIST. KAMRUP M  
ASSAM

3: JAYANTA KUMAR DUTTA  
ASSISTANT EXECUTIVE ENGINEER  
REGIONAL OFFICE  
POLLUTION CONTROL BOARD ASSAM  
REGIONAL LABORATORY CUM OFFICE

MELACHOKOR  
SIVASAGAR  
ASSAM 78640

4: UJJAL KUMAR SARMA  
ASSISTANT EXECUTIVE ENGINEER  
POLLUTION CONTROL BOARD ASSAM  
HEAD OFFICE BAMUNIMAIDAM GUWAHATI-781021 DIST. KAMRUP M  
ASSAM

5: NAGEN CHANDRA BORO  
ASSISTANT EXECUTIVE ENGINEER  
HEAD OFFICE BAMUNIMAIDAM GUWAHATI-781021 DIST. KAMRUP M  
ASSAM  
VERSUS

THE STATE OF ASSAM AND 7 ORS  
REP. BY THE PRINCIPAL SEC. TO THE GOVT. OF ASSAM  
ENVIRONMENT AND FOREST DEPTT. DISPUR-781006  
ASSAM.

2:THE SECRETARY  
TO THE GOVT. OF ASSAM  
ENVIRONMENT AND FOREST DEPTT. DISPUR GUWAHATI-6

3:THE POLLUTION CONTROL BOARD  
REP. BY ITS CHAIRMAN BAMUNIMAIDAM  
GUWAHATI-781021

4:THE CHAIRMAN  
POLLUTION CONTROL BOARD  
BAMUNIMAIDAM  
GUWAHATI-781021

5:THE MEMBER SECRETARY  
POLLUTION CONTROL BOARD  
BAMUNIMAIDAM  
GUWAHATI-781021

6:THE ASSISTANT PUBLIC INFORMATION OFFICER AND EXECUTIVE  
ENGINEER  
POLLUTION CONTROL BOARD  
HEAD OFFICE BAMUNIMAIDAM  
GUWAHATI-781021

7:JAGAT DEKA  
S/O LT. HARICHARAN DEKA  
R/O VILL. BELSOR P.O. BELSOR

P.S BELSOR CHUPA PATOWARY PARA  
DIST. NALBARI  
PIN-781304  
WORKING AS ASSISTANT EXECUTIVE ENGINEER  
REGIONAL OFFICE  
POLLUTION CONTROL BOARD ASSAM  
HEAD OFFICE BAMUNIMAIDAM GUWAHATI-781021 DIST. KAMRUP M  
ASSAM

8:DIPRAJ ARDAO  
ASSISTANT EXECUTIVE ENGINEER  
POLLUTION CONTROL BOARD ASSAM  
HEAD OFFICE BAMUNIMAIDAM GUWAHATI-781021 DIST. KAMRUP M  
ASSAM

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Advocate for : MR. S K DAS  
Advocate for : MR. P N GOSWAMI (R-1  
2) appearing for THE STATE OF ASSAM AND 7 ORS

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

**ORDER**

Date : **03-06-2026**  
(M. Choudhury, J)

Heard Mr. K.N Choudhury, learned Senior Counsel assisted by Mr. S.K. Das, learned counsel for the applicants/appellants. Also heard Mr. S. Baruah, learned Standing Counsel, PCBA for the opposite party/respondent Nos. 3, 4, 5 & 6; and Mr. R. De, learned counsel for the opposite party/respondent No.7.

**2.** The instant application is preferred by the applicants, who are appellants in W.A No.53 of 2025, stating *inter-alia* that during the pendency of the writ appeal, a provisional gradation list has been notified by an Office Order dated 16.05.2026. In the said provisional gradation list, the names of the applicants/appellants are at Serial No. 21 to Serial No. 25, and the name of the opposite party/respondent No. 7 figures at Serial No. 27.

**3.** The writ petition, W.P.(C) No. 630/2021, was at the instance of the opposite party/respondent No. 7, and the Writ Appeal No. 53/2025, as well as the other writ appeal, W.A No. 12 of 2023, has been preferred against the Judgment and Order dated 15.12.2023 rendered in WP(C) No. 630/2021.

**4.** It is stated that an interim order is in operation since 23.01.2023 whereby the appellants in W.A No. 12/2023 as well as the appellants in W.A No. 53/2025, have been allowed to hold the post of Assistant Executive Engineer till the process of fresh promotion to the post of Assistant Executive Engineer is completed by the authorities in terms of the direction of the learned Single Judge. It is on the basis of the said interim Order dated 23.01.2023, the appellants in both the writ appeals are presently continuing to hold the post of Assistant Executive Engineer.

**5.** In the instant application, it is projected that in a Selection Committee Meeting held on 26.05.2026, the matter for promotion to the post of Executive Engineer from the cadre of Assistant Executive Engineer has come up for consideration. A submission is made to the effect that in a Selection Committee Meeting held on 26.05.2026, the case of the applicants/appellants are not taken into consideration on the ground that they are to be kept outside the zone of consideration for such promotion.

**6.** Mr. Choudhury, learned Senior counsel for the applicants/appellants, has submitted that by an Order dated 28.04.2026, both the writ appeals are ordered to be listed on 23.06.2026 for hearing. As the both writ appeals are to be heard on 23.06.2026, any promotional exercise for the promotion from the cadre of Assistant Executive Engineer to the cadre of Executive Engineer in the meantime, keeping the applicants/appellants out of the zone of consideration, would likely to cause prejudice to the applicants/appellants and would lead to

further complications.

**7.** Mr. Baruah, learned Standing counsel, PCBA, as well as Mr. De, learned counsel for the opposite party/the respondent No. 7, have submitted that the applicants/appellants have not made out a case for stalling any promotional exercise undertaken by the selection committee and, as such, no interim relief is called for in this application reason for carrying out promotional exercise, if any, is to be due to administrative exigency.

**8.** Having regard to the facts projected in this application and the submission advanced, and considering the fact that both the writ appeals are to be heard on 23.06.2026, and also, taking note of the submission that in the promotional exercise, the applicants/appellants are kept out of the zone of consideration, this Court is of the considered view that the opposite party/respondent PCBA, shall not finalize any promotional process till 23.06.2026. The opposite party/respondent PCBA shall apprise the court on the next date as to whether any such promotional exercise is being contemplated and/or carried out. On the basis of such instruction, continuation or otherwise of this interim order will be considered on the next date of listing.

**9.** List the case on **23.06.2026** along with W.A No. 53/2025 and W.A No. 12/2025.

**JUDGE**

**JUDGE**

**Comparing Assistant**