

GAHC010120542021



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

**Case No. : WP(C)/4319/2021**

SHANTANU DHAR AND ANR  
S/O LATE SHANTI RANJAN DHAR, R/O HOUSE NO. 19, HARBALA ROAD,  
ULUBARI, GUWAHATI-781007, DIST-KAMRUP(M), ASSAM

2: ANIL KUMAR JALAN  
S/O PUSHKAR DUTTA JALAN  
R/OI FLA NO. 4C  
PROTECHVIEW  
HENGRABRI ROAD  
P.O.-DISPUR  
GUWAHATI  
ASSAM-78100

VERSUS

THE STATE OF ASSAM AND 6 ORS  
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF  
ASSAM, DISPUR, GUWAHATI-6

2:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM  
FINANCE (TAXATION) DEPARTMENT  
DISPUR  
GUWAHATI-06

3:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF  
ASSAM  
FINANCE (TAXATION) DEPARTMENT  
DISPUR  
GUWAHATI-06

4:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM  
PERSONNEL (B) DEPARTMENT  
DISPUR  
GUWAHATI-06

5:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF  
ASSAM  
LEGISLATIVE DEPARTMENT  
DISPUR  
GUWAHATI-06

6:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF  
ASSAM  
WELFARE OF PLAIN TRIBES AND BACKWARD CLASSES DEPARTMENT  
DISPUR  
GUWAHATI-06

7:KAMALESWAR LAHARY  
DEPUTY COMMISSIONER OF TAXES  
O/O THE COMMISSIONER OF TAXES  
ASSAM  
KAR BHAVAN  
DISPUR  
GUWAHATI-0

**Advocate for the Petitioner** : MR G BAISHYA

**Advocate for the Respondent** : GA, ASSAM

**BEFORE**  
**HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

**ORDER**

**04.09.2021**

Heard Mr. G. Baishya, learned counsel for the petitioners as well as Mr. R. Borpujari, learned counsel appearing on behalf of Mr. B. Gogoi, learned Standing counsel for the Finance and Tax Department. Also heard Mr. D. Borah, learned Government Advocate appearing for the other State respondent nos.1, 4 and 5 and Mr. R. Dhar, learned Standing counsel for the respondent no.6.

By filing this writ petition under Article 226 of the Constitution of India, the petitioner is challenging inter-alia, the notification dated 17.06.2021 by which a

final gradation list of the cadre of Deputy Commissioner of Taxes for the year 2020 was published, thereby placing the petitioner below the private respondent no.7. The learned counsel for the petitioner has submitted that vide notification dated 15.11.2010 (Annexure-2), the private respondent no.7 who was below the petitioners in the gradation list of the period was given accelerated promotion. Accordingly, by referring to the office memo dated 03.08.2016, it is submitted that as per guideline No.(iv), the respondent authorities would not have given a second accelerated promotion to the respondent no.7 and on the said ground the present writ petition has been filed.

Issue notice returnable on 22.11.2021.

In respect of respondent nos.1 to 6, requisite additional copies of the writ petition be furnished to the learned Government Advocate as well as the learned Departmental counsel in course of the day. The petitioner shall take steps within 2(two) days for service of notice on the respondent no.7 by registered post with A/D. In addition, the petitioner has the liberty of routing the notice through the Registry of this Court and to serve notice on the private respondent no.7 through e-mail together with a copy of the writ petition and upon service an affidavit of service shall be filed prior to the next date fixed.

In the interim it is provided that the promotion to the private respondent no.7 would not be made without the leave of the Court.

Liberty is granted to the private respondent no.7 to apply for modification, if so advised.

List the matter on 22.11.2021.

**JUDGE**

**Comparing Assistant**