

GAHC010132142023



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

Case No. : WP(C)/3565/2023

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

VERSUS

THE STATE OF ASSAM AND 7 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 GOVT. OF ASSAM
FINANCE (TAXATION) DEPARTMENT
DISPUR
GUWAHATI-06.

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

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

6:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
WELFARE OF PLAIN TRIBES AND BACKWARD CLASSES DEPARTMENT

DISPUR
GHY-06.

7:KAMALESWAR LAHARY
DEPUTY COMMISSIONER OF TAXES
O/O- THE COMMISSIONER OF TAXES
ASSAM
KAR BHAVAN
DISPUR
GHY-06.

8:THE DEPARTMENTAL SELECCTION COMMITTEE
FOR PROMOTION TO THE CADRE OF JOINT COMMISSIONER OF TAXES
REPRESENTED BY THE CHIEF SECRETARY
ASSA

Advocate for the Petitioner : MR G BAISHYA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 21-06-2023

Heard Mr. G. Baishya, learned counsel for the writ petitioner.

Perused the averments made in the writ petition.

The grievance of the petitioner is that the respondent No. 7, who is a reserved category candidate, is being sought to be promoted to the next higher rank of Joint Commissioner of Taxes by ignoring the candidature of the writ petitioner who is senior to the private respondent in service, notwithstanding the fact that the 13 point reservation roster, relied upon by the department, had been set aside by this Court by the judgment and order rendered in the case of ***Rakesh Agarwal Vs. State of Assam & Ors.*** reported in ***2016 (3) GLT 464.***

Mr. Baishya submits that the department has not yet published the minutes of the DPC or the order of promotion, as a result of which, his client has not been able to challenge the same.

Mr. B. Choudhury, learned standing counsel, Taxes, Assam seeks time till 27-06-2023 to produce the relevant departmental records.

Mr. T.C. Chutia, learned Addl. Sr. Govt. Advocate, Assam is present on behalf of the State.

On the request of Mr. Choudhury, let this matter be listed again for motion on 27-06-2023.

On which date, the records be produced by the departmental counsel.

One extra copy each of the writ petition be furnished to the learned departmental counsel during the course of the day.

List again on 27-06-2023.

JUDGE

GS

Comparing Assistant