

GAHC010164662023



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

Case No. : WP(C)/4331/2023

JOY PROKASH BASUMATARY AND 21 ORS
S/O- SRI RUPENDRA NATH BASUMATARY, RNB ROAD, KOKRAJHAR,
WARD NO. 7, P.O. AND P.S. KOKRAJHAR.

2: RAHUL BRAHMA
S/O- SRI CHABI BRAHMA
VILL.- MITHIGAPUR HABRUBARI
P.O.
P.S. AND DIST. KOKRAJHAR.

3: JAIN RAJ BRAHMA
S/O- SRI MANIRAJ BRAHMA
J.D. ROAD
KOKRAJHAR
WARD NO. 4
P.O.
P.S AND DIST. KOKRAJHAR.

4: DEEPTI BASUMATARY
W/O- SRI JANAK KR. NARZARY
VILL.- AMLAIGURI (TITAGURI)
P.O. TITAGURI
P.S. AND DIST. KOKRAJHAR.

5: PRANJIT BRAHMA
S/O- SRI AJOY KR. BRAHMA
SOUTH BAZAR ROAD
KOKRAJHAR
WARD NO. 6
P.O.
P.S. AND DIST. KOKRAJHAR.

6: BERLANG NARZARY
S/O- SRI GOPINATH NARZARY

VILL.- RAIKHUNGBARI
P.O. KACHUGAON
P.S. KACHUGAON
DIST. KOKRAJHAR.

7: JITU BRAHMA
S/O- SRI PRAMOD CH. BRAHMA
VILL.- GOSSAIGAON JOYANAGAR
WARD NO. 4
P.O. AND P.S. GOSAIGAON
DIST. KOKRAJHAR.

8: PRAMILA BRAHMA
W/O- SRI SUNIL BRAHMA
VILL.- SHYAMTHAIBARI
P.O. SIMALAGURI
P.S. DHALIGAON
DIST. KOKRAJHAR.

9: DANIEL MOSAHARY
S/O- SRI SOLISORN MOSAHARY
VILL.- PATKIJULI
P.O. PATKIJULI
P.S. TAMULPUR
DIST. BAKSA.

10: ANJANA BORO
W/O- SRI ANANDA RAM BORO
VILL.- BALAHATI SUTIAPARA
P.O. GORMOW
P.S. GORESWAR
DIST. BAKSA.

11: JITU DAIMARY
S/O- SRI DHARANI DAIMARI
VILL.- BARIGAON
P.O. NICHILAMARI
P.S. TANGLA
DIST. UDALGURI.

12: INDRA MUCHAHARY
S/O- SRI AMARENDRA MUCHAHARY
BIJNI TOWN
WARD NO. 1
P.S. BIJNI
P.O. BIJNI
DIST. CHIRANG.

13: BHASKAR BASUMATARY
S/O- SRI MANESWARE BASUMATARY
VILL.- MAKRA PATKIGURI
P.O. KOLIAGAON
P.S. BIJNI
DIST. CHIRANG.

14: MD. SADDAM EKRAMUL HOSSAIN
S/O- MD. JURAN ALI SHEIKH
VILL- KHORAGHAT
P.O. BARKANDA
P.S. BAGRIBARI
DIST. KOKRAJHAR.

15: MANASH JYOTI KALITA
S/O- SRI MADHAB CHANDRA KALITA
VILL.- ADALBARI
P.O. ADALBAI
P.S. MUSHALPUR
DIST. BAKSA.

16: BHASKAR BARMAN
S/O- SRI DHANESWAR BARMAN
VILL.- CHITHILA
P.O. CHITHILA
P.S. FAKIRAGRAM
DIST. KOKRAJHAR.

17: ALOK MIKHERJEE
S/O- SRI AMULYA MUKHERJEE
VILL.-RAJAPARA PT-1
P.O. BAGRIBARI
P.S. BAGRIBARI
DIST. KOKRAJHAR.

18: JITU MAZUMDER
S/O- SRI DIMBESWAR MAZUMDER
VILL.- NIZ HARISINGA
P.O. HARISINGA
P.S. PANERY
DIST. UDALGURI.

19: RANA DUTTA
S/O- SRI NIKHIL DUTTA
VILL.- KHAJUABIL
P.O. KOPATI
P.S. ROWTA
DIST. UDALGURI.

20: SWMDWN BROHMO KARJEE
S/O- SRI RAJIV BROHMO KARJEE
VILL.- KODOMTOLA
P.O. DOTMA
P.S. DOTMA
DIST. KOKRAJHAR.

21: NARAYAN KARKI
S/O- SRI KRISHNA KARKI
VILL.- PATGAON
P.O. PATGAON
P.S. SERFANGURI
DIST. KOKRAJHAR.

22: PARTHA PRATIM HAZARIKA
S/O- SRI RAM CHANDRA HAZARIKA
VILL.- BHALUKMARI
P.O. BHALUKMARI
P.S. ROWTA
DIST. UDALGURI

VERSUS

THE STATE OF ASSAM AND 23 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, FCS AND CA DEPARTMENT, DISPUR,
GUWAHATI-781006.

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
WPT AND BC DEPARTMENT
DISPUR
GUWAHATI-781006.

3:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE (BUDGET) DEPARTMENT
DISPUR
GUWAHATI-781006.

4:THE DIRECTOR
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS

BHANGAGARH
GUWAHATI-781005
ASSAM

5:THE COUNCIL HEAD OF DEPARTMENT

FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
BTC
KOKRAJHAR.

6:THE SECRETARY (FCS AND CA)

BTC
KOKRAJHAR.

7:THE JOINT DIRECTOR
(FCS AND CA)

BTC
KOKRAJHAR.

8:THE MEMBER SECRETARY

CENTRAL SELECTION BOARD
BTC
KOKRAJHAR.

9:KAMAL KRISHNA MISRA
SUB-INSPECTOR
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
GOVERNMENT OF ASSAM

10:ILLIAS PRODHANI
SUB-INSPECTOR
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
GOVERNMENT OF ASSAM

11:BIPLOB LANGTHASA
SUB-INSPECTOR
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
GOVERNMENT OF ASSAM

12:BHABEN KUMAR
SUB-INSPECTOR
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
GOVERNMENT OF ASSAM

13:SABIN KR. BORO
SUB-INSPECTOR

FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
GOVERNMENT OF ASSAM

14:DHIRAJ BAISHYA
SUB-INSPECTOR
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
GOVERNMENT OF ASSAM

15:JIRSONG TUMUNG
SUB-INSPECTOR
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
GOVERNMENT OF ASSAM

16:ABHIJEET BHATTACHARYA
SUB-INSPECTOR
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
GOVERNMENT OF ASSAM

17:YASABANTA MEDHI
SUB-INSPECTOR
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
GOVERNMENT OF ASSAM

18:DEVASHIS SAHA
SUB-INSPECTOR
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
GOVERNMENT OF ASSAM

19:CHAITALI SAHA
SUB-INSPECTOR
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
GOVERNMENT OF ASSAM

20:SYED IFTIKAR AHMED
SUB-INSPECTOR
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
GOVERNMENT OF ASSAM

21:MUKUNDA RAY
SUB-INSPECTOR

FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
GOVERNMENT OF ASSAM

22:CHAI WON WEINGKEN
SUB-INSPECTOR
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
GOVERNMENT OF ASSAM

23:RATAN CHANDRA GOGOI
SUB-INSPECTOR
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
GOVERNMENT OF ASSAM

24:PRANITA KALITA PATHAK
SUB-INSPECTOR
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
GOVERNMENT OF ASSAM.

(RESPONDENTS NO. 9 TO 24 TO BE SERVED THROUGH THE DIRECTOR
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
BHANGAGARH
GUWAHATI-781005
ASSA

Advocate for the Petitioner : MR. M K CHOUDHURY

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

04-08-2023

Heard Mr. M.K. Choudhury, learned Senior Counsel assisted by Mr. M. Sarma, learned counsel for the petitioners. Also heard Mr. H. Sarma, learned Additional Senior Government Advocate for the respondent nos. 1 and 4, Mr. R.

Dar, learned Standing Counsel, WPT & BC Department, for the respondent no.2, Mr. P. Nayak, learned Standing Counsel, Finance Department for the respondent no.3 and Mr. S. Bora, learned Standing Counsel, BTC for the respondent nos. 5, 6, 7 & 8.

This writ petition is filed by the petitioners who are serving as Sub-Inspector of Food, Civil Supplies and Consumer Affairs in the BTC area. However, although the petitioners were appointed in the year 2016, their names have not been included in the gradation list maintained by the Department of Food, Civil Supplies and Consumer Affairs.

It is submitted that in spite of the representations made by the petitioners, their cases have not been considered by the respondent authorities as their names have been found reflected in the gradation list and thereby, there is an apprehension in the mind of the petitioners that they may be excluded from the process of promotion which is likely to be initiated by the Department in the next higher cadre.

Let notice be issued, returnable by 4 (four) weeks.

Since the respondent nos. 1 to 8 are represented by the concerned Department Counsels, notices are waived. However, extra copies be furnished within 1 (one) week from today.

Learned counsels for the Departments submit that time may be permitted to them to obtain required instructions.

Notice be issued to the respondent nos. 9 to 24 through the Director of Food, Civil Supplies and Consumer Affairs. The petitioner will take all adequate steps to ensure that the copies of the writ petition along with the enclosures are served on the private respondents through the Office of the Director of Food,

Civil Supplies and Consumer Affairs. Once the said copies are served to the Office of the Director of Food, Civil Supplies and Consumer Affairs, the Department shall ensure that the copies are transmitted to the respective private respondents in their respective places of posting.

List the matter after 4 (four) weeks.

JUDGE

Comparing Assistant