

GAHC010172742018



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

Case No. : WP(C) 5324/2018

1:NURJAMAL HUSSAIN DEWAN
S/O- AMZAD HUSSAIN DEWAN, VILLAGE- GARALA GAON, P.O. NIRALA,
DIST. BARPETA, ASSAM- 781308.

VERSUS

1:THE STATE OF ASSAM AND 2 ORS.
REP. BY ITS PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM, REVENUE
AND D.M. (LR) DEPTT., DISPUR, GUWAHATI-6.

2:THE DEPUTY COMMISSIONER
BARPETA DISTRICT
BARPETA
ASSAM- 781301.

3:THE CIRCLE OFFICER
BAGHBAR REVENUE CIRCLE
BARPETA
ASSAM- 781308

Advocate for the Petitioner : MR. MD S HOQUE

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 09-10-2018

Heard Ms. N. Das, learned counsel for the writ petitioner in W.P.(C) No. 3828/2018, Mr.

G. Uddin, learned counsel for the petitioner in W.P.(C) No. 5003/2018, Mr. S. Haque, learned counsel for the petitioner in W.P.(C)No. 5319/2018, W.P.(C) No. 5324/2018, W.P.(C) No. 5329/2018 and Mr. A. Mannaf, learned counsel for the writ petitioner in W.P.(C) No. 5570/2018. I have also heard Mr. R. Talukdar, Mr. N.N.B. Choudhury, Mr. S. Das, Mr. R. Pradhan, Mr. N.N. Choudhury, Mr. A. Rashid, learned counsel appearing for the private respondents and Mr. S.S. Roy, learned Govt. Advocate, Assam appearing for the official respondents.

These writ petitions have been filed by the persons who claim to have been appointed as Gaon Burah by the local public of the area, *inter alia*, questioning the recruitment process initiated on the basis of the advertisement notices issued by the respective Deputy Commissioners inviting the applications for holding a regular selection process for regular appointment of Gaon Burahs. This Court had earlier passed an order dated 20-06-2018 in W.P.(C) No. 3828/2018 issuing interim direction to the respondents not to fill up the post of Gaon Burahs. In view of the order dated 20-06-2018 passed by this Court, no further steps have been taken by the respondent authorities in the matter.

Aggrieved by the operation of the, interim order dated 20-06-2018, separate applications, registered and numbered as I.A.(C) No. 2466/2018, I.A.(C) No. 2826/2018 and I.A.(C) No. 2700/2018 have been filed with a prayer to vacate the interim order.

These writ petitions were fixed for final hearing and disposal today. However, when the matters were called up before this Court, a prayer for adjournment has been made on behalf of Mr. A.R. Bhuyan, learned counsel for the writ petitioner. On the other hand, the learned counsel for the respondents have expressed urgency in the matter stating that the interest of their clients have suffered serious prejudice due to the operation of the interim order in these

cases. A cursory look at the averments made in the writ petitions go to show that the petitioners are basically seeking continuance in the post of Gaon Burah which posts, they claim to be holding as on date.

The said claim of the petitioner may have some basis, if it is established that their appointments were made through a valid process and in accordance with the provisions of the statute. However, determination of the aforesaid question will call for detail hearing of the writ petition, which is not possible today.

In view of the above and balancing equities, it is hereby directed that the respondents may go ahead with the selection process but shall not issue any order of appointment to the post of Gaon Burahs' without obtaining the leave of this Court.

The writ petitioners would be at liberty to take part in the selection process, if so advised, without prejudice to their rights and contention in these writ petitions.

The interim order dated 20-06-2018 stands modified to the above extent.

Office to list the writ petitions for hearing on 29-11-2018.

JUDGE

GS

Comparing Assistant