

GAHC010233522017



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

Case No. : WP(C)/1474/2017

NIRANJAN BARMAN and ANR.
S/O LT. PRATAP CHANDRA BARMAN, R/O BASISTHA DAKHIN
GANESHNAGAR, P.O. BASISTHA, GUWAHATI, DIST- KAMRUP METRO,
ASSAM

2: DIPAK NARAYAN KONWAR
S/O LT. BISHNU NARAYAN KONWAR
R/O BARUAHJANI
P.O. BARUAHJANI
DIST- KARMUP
ASSA

VERSUS

THE STATE OF ASSAM and 2 ORS.
REP. BY THE COMMISSIONER and SECY. TO THE GOVT. OF ASSM, FOOD,
CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPTT., DISPUR, GHY-6

2:THE DIRECTOR
FOOD
CIVIL SUPPLIES and CONSUMER AFFAIRS
ASSAM
GHY-5

3:THE COMMISSIONER FOR PERSONS WITH DISABILITIES
ASSAM
BASISTHA
GHY-2

Advocate for the Petitioner : MS.S BHUYAN, MR.R KALITA,MR.R SALOI

Advocate for the Respondent : , GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR**

ORDER

Date : 09.02.2026

Heard Mr. R. Kalita, learned counsel for the petitioners and Ms. M. Bhattacharjee, learned Addl. Sr. Government Advocate appearing for the State respondents.

The affidavit-in-opposition filed by the respondents states that the petitioners had not applied for being granted promotion in the year 2014 and in the year 2016. However, two applications were received on 07.09.2016. The affidavit also states that before the Directorate could take necessary action for promotion of the petitioners, the amendment to the Assam Directorate (Ministerial) Service Rules, 1973 came in the way, for which their promotion to the post of Junior Assistant could not be completed, as none of them possess a Bachelor Degree.

The Court notices that the promotion of the incumbent who were promoted by the order dated 23.02.2016 does not reflect that these persons were having the qualification of Graduation. In any case, since the promotion was given on 23.02.2016 and the amendment brought to the Rules, 1973 in September, 2016 would not affect their promotion.

The learned counsel for the petitioners has submitted that admitted position is that the petitioners were entitled to be considered in the year 2014 and 2016 and the amendment having come to the effect in the year 2016 and when other were promoted on 23.02.2016, the respondents have not acted in accordance with the Persons with Disabilities (Equal Opportunities, Protection of

Rights and Full Participation) Act, 1995 when the promotion were denied to the petitioners.

The learned Addl. Sr. Government Advocate has prayed for an accommodation to place before this Court the relevant DPC proceedings and the records containing the notes and proceedings of the promotion granted to the persons who were admittedly juniors to the petitioners.

List this matter again on **25.02.2026** affording such opportunity to the learned Addl. Sr. Government Advocate.

The name of Ms. M. Bhattacharjee shall be reflected in the daily cause list in the matter.

JUDGE

Comparing Assistant