

GAHC010010372015



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

Case No. : I.A.(Civil)/3153/2023

MD. ABUL HUSSAIN
S/O LT. MD. BAHAR ALI
R/O VILL. BADLA PATHAR
P.O. BADLA BAZAR
DIST- KAMRUP
ASSAM

VERSUS

THE STATE OF ASSAM and 6 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
DEPTT. OF REVENUE
DISPUR
GUWAHATI-6

2:THE COMMISSIONER
LOWER ASSAM DIVISION
GHY-1

3:THE DY. COMMISSIONER
KAMRUP RURAL
GUWAHATI
AMINGAON
ASSAM

4:THE SUB DIVISIONAL OFFICER S
KAMRUP RURAL
P.O. and P.S. AMINGAON
GHY-01
ASSAM

5:THE CIRCLE OFFICER

NAGARBERA REVENUE CIRCLE
NAGARBERA
P.O. and P.S. NAGARBERA
DIST- KAMRUP RURAL
ASSAM

6:ALTAP HUSSAIN
S/O ABDUL HOQUE
VILL. BADLA PATHAR
P.O. BADLA BAZAR
P.S. NAGARBERA
DIST- KAMRUP RURAL
ASSAM

7:THE SELECTION BOARD FOR
SELECTION OF GAONBURAH OF VILL. BADLAPATHAR
REP. BY THE SUB- DIVISIONAL OFFICER SADAR OF KAMRUP RURAL
DISTRICT
P.O. AMINGAON
DIST- KAMRUP RURAL
ASSAM

Advocate for : MR. M A SHEIKH
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM and 6 ORS

Linked Case :**WP(C)/1470/2015**

MD. ABUL HUSSAIN
S/O LT. MD. BAHAR ALI, VILL. BADLA PATHAR, P.O. BADLA BAZAR, DIST-
KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM and 6 ORS,
REP. BY THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM,
DEPTT. OF REVENUE, DISPUR, GHY-6

2:THE COMMISSIONER
LOWER ASSAM DIVISION
GHY-1

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7:THE SELECTION BOARD FOR
SELECTION OF GAONBURAH OF VILL. BADLAPATHAR
REP. BY THE SUB- DIVISIONAL OFFICER SADAR OF KAMRUP RURAL
DISTRICT
P.O. AMINGAON
DIST- KAMRUP RURAL
ASSA

Advocate for the Petitioner : MR. M HUSSAIN, MR. K U AHMED,MR. M A SHEIKH,MS. A
BEGUM,MS. F INTAZ

Advocate for the Respondent : GA, ASSAM (R1), MR. T C CHUTIA (R2-R5),MR. J.K. GOSWAMI,
ADDL. SR. GA, ASSAM,,MS. S KAKATI (R6),MR. C CHAKRAVARTY (R6),MR. R HAZARIKA
(R6),MR. J ROY (R6)

BEFORE
HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR
ORDER

17/03/2026

Heard Mr. M A Sheikh, learned counsel for the applicant. Also heard Mr. T C Chutia, learned Additional Senior Government Advocate, appearing for the opposite party Nos. 1 to 5 & 7 and Mr. R Hazarika, learned counsel for the opposite party No. 6.

2. The present Interlocutory Application has been instituted by the applicant/petitioner praying for amendment of the writ petition for the purpose of bringing on record contentions to the effect that the respondent authorities after the appointment of the respondent No. 6 as Gaonburha in pursuance to the advertisement dated 14.05.2008 had refused to furnish a copy of such appointment order to the petitioner, herein. Amendment is also sought to be made in the prayer portion of the writ petition.

3. I have heard the learned counsels for the parties and perused the materials available on record.

4. At the outset, this Court finds that the present Interlocutory Application was instituted on 12.10.2023, whereas, the writ petition was so filed way back on 27.02.2015. Further, the Interlocutory Application is found to be pending before this Court since 2023 and is being pressed when the connected writ petition was listed for final consideration.

5. The contentions that are now sought to be introduced in the writ petition are contentions, which were available to the petitioner at the time of filing of the writ petition. However, the same was not incorporated in the writ petition.

6. Considering the nature of the amendment sought to be made, which in the considered view of this Court is to the effect that the order of appointment of the respondent No. 6 as Gaonburha was not furnished to the petitioner, this Court considers that the date of

appointment of the respondent No. 6, being available as disclosed by the learned counsel for the respondent No. 6, the said amendment, even if, not permitted to be carried out, would not materially affect the claim of the petitioner in the present writ petition.

7. With regard to the amendment sought for in the prayer portion of the writ petition, this Court on a perusal of the amendment now sought to be so incorporated in the writ petition, finds that the same only assails the appointment of the respondent No. 6, with a further prayer for appointment of the petitioner, herein, against the post of Gaonburha of Village-Badlapathar. The original prayer in the writ petition being also to the same effect, the rejection of the present Interlocutory Application, in the considered view of this Court also would not cause any prejudice to the petitioner, herein.

8. Accordingly, considering the fact that the writ petition is pending since the year 2015, the prayers made in the Interlocutory Application, which is also found to be pending before this Court since the year 2023; stands rejected.

9. The writ petition would now be considered on its merits.

10. With the above observations and directions, the present Interlocutory Application stands disposed of.

JUDGE

Comparing Assistant