

GAHC010244592024



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

**Case No. : WP(C)/6297/2024**

DEBENDRA NATH AND 5 ORS.  
S/O- LATE JOGESH CH. NATH, VILL.- LUTAPARA, P.O. HELAGARI, P.S.  
SAPATGRAM, DIST. DHUBRI, ASSAM, PIN- 783345.

2: BINOY NAMO DAS @ BINOY NAMASUDRA  
S/O- LATE BISADU NAMA DAS  
VILL.- NOONMATI  
P.O. HATIPUTA  
P.S. CHAPAR  
DIST. DHUBRI  
ASSAM  
PIN- 783348.

3: ASHIM MAZUMDAR  
S/O- LATE BALINDA MAZUMDAR  
VILL.- BORKOLA SING GAON  
P.O. AND P.S. BORKOLA  
DIST. NAGAON  
ASSAM  
PIN- 782001.

4: SMTI RINA DAS  
D/O- LATE SANTIRAM DAS  
VILL.- DEOBALI  
P.O DIGHALDARI  
P.S. RAHA  
DIST. NAGAON  
ASSAM

5: FULSON RABHA  
S/O- KULUK RABHA  
B/O- LATE SURENDRA RABHA (MARTYR)  
VILL.- AMGURI  
P.O. BARDAMAL

P.S. AGIA  
DIST. GOALPARA  
ASSAM  
PIN- 783120.

6: SMTI. MOMI SAIKIA  
D/O- LATE LOKNATH SAIKIA  
VILL.- BRAHMACHARI  
P.O. VELEWGURI  
P.S. SAMAGURI  
DIST. NAGAON  
ASSAM  
PIN- 782141

VERSUS

THE STATE OF ASSAM AND 12 ORS  
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM,  
DISPUR, GUWAHATI-6.

2:THE SECRETARY STATE LEVEL RECRUITMENT COMMISSION  
FOR CLASS-IV POSTS  
ASSAM ADMINISTRATIVE STAFF COLLEGE JAWAHAR NAGAR  
KHANAPARA  
GHY-22.

3:THE SECRETARY  
PERSONNEL (B) DEPARTMENT  
DISPUR  
GUWAHATI-6.

4:THE SECRETARY

IMPLEMENTATION OF ASSAM ACCORD DEPARTMENT  
DISPUR  
GUWAHATI-6.

5:THE CHAIRMAN  
STATE LEVEL POLICE RECRUITMENT BOARD  
ASSAM  
REHABARI  
GHY-8.

6:THE ADDITIONAL CHIEF SECRETARY  
GOVT. OF ASSAM  
ENVIRONMENT AND FOREST DEPARTMENT  
DISPUR  
GUWAHATI-6.

7:THE CHIEF ENGINEER  
PWD (ROADS)  
ASSAM  
CHANDMARI  
GUWAHATI-6.

8:THE UNDER SECRETARY TO THE GOVT. OF ASSAM  
PWD DEPARTMENT (ESSTT.B) BRANCH  
DISPUR  
GUWAHATI-6.

9:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM  
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT  
DISPUR  
GUWAHATI-6.

10:THE DEPUTY SECRETARY TO THE GOVT. OF ASSAM  
WATER RESOURCE DEPARTMENT  
DISPUR  
GUWAHATI-6.

11:THE DISTRICT COMMISSIONER  
DHUBRI  
ASSAM

12:THE DISTRICT COMMISSIONER  
NAGAON  
ASSAM

13:THE DISTRICT COMMISSIONER  
GOALPARA  
ASSA

**Advocate for the Petitioner** : MD B ISLAM, MR. S S AHMED

**Advocate for the Respondent** : GA, ASSAM, SC, P AND R.D.,SC, WATER RESOURCE,SC, PWD  
ROAD

**BEFORE**  
**HONOURABLE MR. JUSTICE SUMAN SHYAM**

**ORDER**

**Date : 29/11/2024**

Heard Mr. B. Islam, learned counsel for the writ petitioners. Perused the statements made in the writ petition.

The petitioners claim to be the family members of the Martyrs of Assam Agitation and, therefore, fall within the category of affected family members coming under the definition of Rule 2(a) of the Assam Public Services (Preferential Appointment) Rules, 1999. Aggrieved due to the failure on the part of the respondents to extend the benefit of preferential appointment to the petitioners, they have approached this Court by filing the instant writ petition.

Mr. S. Dutta, learned Standing Counsel, Panchayat and Rural Development Department, Assam and Mr. C.S. Hazarika, learned Additional Senior Government Advocate, Assam, pray for some time to obtain instruction in the matter.

Issue notice of motion returnable in eight weeks.

Since Mr. C.S. Hazarika, learned Additional Senior Government Advocate, Assam, has accepted notice on behalf of the respondent nos. 1, 3, 4, 5, 11, 12 & 13, Mr. B. Chowdhury, learned Standing Counsel, SLRC, Assam, has accepted notice on behalf of the respondent no.2, Ms. S. Sarma, learned Standing Counsel, PWD, Assam, has accepted notice on behalf of the respondent nos. 7 & 8, Mr. R.R. Gogoi, learned Standing Counsel, Forest Department, Assam, has accepted notice on behalf of the respondent no. 6, Mr. S. Dutta, learned Standing Counsel, Panchayat and Rural Development Department, Assam, has accepted notice on behalf of the respondent no. 9 and Ms. J. Gogoi, learned Standing Counsel, Water Resources Department, Assam, has accepted notice on behalf of the respondent no. 10, service of notice is deemed to be complete in this case. However, extra copies of the writ petition, requisite in numbers, be furnished to the learned departmental counsel within one week from today, so as to enable them to obtain instruction.

List this matter again by reflecting the names of the learned counsel for the respondents in the cause list.

**JUDGE**

*Sukhamay*

**Comparing Assistant**