

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, MR. P N GOSWAMI (R-6),MS. J GOGOI,MR. S DUTTA,MR. R R Gogoi,MS S SARMA,MR. B CHOWDHURY,MR. C S HAZARIKA,SC, P AND R.D.,SC, WATER RESOURCE,SC, PWD ROAD

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

21.04.2025

Heard Mr. B. Islam, learned counsel for the petitioners. Also heard Ms. U. Sharma, learned Government Advocate, Assam for the respondent nos. 1, 3 to 5 and 11 to 13, Ms. D. Jain, learned counsel for the respondent no.10 and Mr. B. Choudhury, learned Standing Counsel, SLRC, Assam for the respondent no.2.

The petitioners are before this Court praying for directions to the respondent authorities to consider their cases and given their benefits due to them under the Assam Public Services (Preferential Appointment) Rules, 1999, whereby under Rule 3 of the Rules 1999, the persons belonging to the family members of martyrs who participated in "*the Assam Movement*" were required to be given preference at the time of appointment in Grade-IV post. The petitioners claim that they belong to the family of martyrs and therefore, they are entitled to get the benefit.

The respondent no.5 has filed an affidavit-in-opposition where there is a clear averment that the petitioners no. 1, 2, 3 & 4 have not been selected in the written examination.

Learned counsel for the petitioners submits that he would like to file a

reply-affidavit to the affidavit-in-opposition filed by the respondent no.5. Learned counsel for the petitioners also submits that there is no averment in regard to the selection of the petitioners no. 5 & 6 in the affidavit-in-opposition filed by the respondent no.5.

Accordingly, the matter stands deferred to be listed after 3 (three) weeks enabling the learned counsel for the petitioners to file the reply affidavit. Meanwhile, the respondent no.5 is also given liberty to file affidavit to bring on record the results of the written emanation in respect of the petitioners no.5 & 6.

List the matter after 3 (three) weeks.

JUDGE

Comparing Assistant