

GAHC040002672024

2026:GAU-AP:185



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

Case No. : WP(C)/88/2024

Sisu Lamgu
Son of Late Hai Lamgu, resident of Dipu Lamgu village, PO Gyawepurang, PS
Seppa, East Kameng District, Arunachal Pradesh

VERSUS

The State of AP and 4 Ors
represented by the Secretary, General Administration, Civil Secretariat, Govt of
Arunachal Pradesh, Itanagar

2:The Deputy Commisioner
Age: 0
Occupation :
Seppa
East Kameng District
Arunachal Pradesh 790102

3:The Additional Deputy Commissionr
Age: 0
Occupation :
Seppa
East Kameng District
Arunachal Pradesh 790102

4:The Circle Officer
Age: 0
Occupation :
Pipu Circle
East Kameng District
Arunachal Pradesh 790102

5:Nyakit Lamgu
Age: 0
Occupation :

Head Gaon Buri (HGB)
resident of Dipu Lamgu Village
PO Gyawepurang
PS Seppa
East Kameng District
Arunachal Pradesh 79010

Advocate for the Petitioner : Bomchi Taipodia, Limi Bam, Tsering Gyatso, Amy Talom, Idak Bam, Adam Tatak

Advocate for the Respondent : GA (AP),

:::BEFORE:::

HON'BLE MR. JUSTICE KARDAK ETE

Date on which judgment is reserved : N/A

Date of pronouncement of judgment : 25.02.2026

**Whether the pronouncement is of the
Operative part of the judgment** : No

**Whether the full judgment has been
Pronounced** : Yes

Judgment & Order(Oral)

Heard Mr. A. Tatak, learned counsel for the petitioner. Also heard Mr. S. Tapin, learned Senior government advocate for the respondent Nos. 1 to 4. None appears for the respondent No. 5 despite service of notice.

2. By filing this writ petition, the petitioner has put to challenge the order dated 09.05.2023 passed by the Deputy Commissioner, East Kameng district, Seppa, by which one *Smti Nyakit Lamgu*, respondent No. 5

herein, of village Dipu Lamgu under Pipu Circle is appointed as Head Gaon Buri.

3. Briefly put, the case of the petitioner is that he was appointed as Gaon Burah on 02.01.2004 and is the senior most serving Gaon Burah of Dipu Lamgu village. After the demise of the then Head Gaon Burah, late Longru Lampu on 14.06.2021, the Dipu Lamgu Development Committee of Dipu Lamgu village conducted a meeting on 06.12.2022. After due deliberation, a proposal was forwarded recommending the name of the petitioner for appointment as Head Gaon Burah of Dipu Lamgu village against the said vacancy. However, the respondent authorities have, vide impugned order dated 09.05.2023, illegally and arbitrarily appointed the respondent No. 5 as Head Gaon Buri of Dipu Lamgu village under Pipu Circle in complete violation of *the Arunachal Pradesh Gaon Burahs/Head Gaon Burahs (Qualification, Selection, Appointment and Disqualification) Guidelines, 2021* (hereinafter referred to as the Guideline, 2021) governing the appointment of Head Gaon Burahs and Head Gaon Buris in the State of Arunachal Pradesh.

4. It is the contention of the petitioner that he is the senior-most Gaon Burah of village Dipu Lamgu and that, as per the Guideline, 2021, the selection of the Head Gaon Burah of a village is to be made unanimously from amongst the existing senior most serving Gaon Burahs of the village in a fair and open meeting held in the presence of the adult residents and a representative of the Administrative Officer of the area. The name of the petitioner, being the senior-most Gaon Burah, was accordingly recommended by the Dipu Lamgu Development Committee for appointment as Head Gaon Burah. However, the respondent authorities

have illegally appointed the respondent No. 5 as Head Gaon Buri of Dipu Lamgu village in violation of the said guidelines.

5. Being aggrieved, the petitioner submitted representations on 29.05.2023 and 23.01.2024 praying for reconsideration of the appointment of respondent No. 5 and for appointment of the petitioner as Head Gaon Bura of Dipu Lamgu village in accordance with the applicable guideline. However, the said representations remain unattended.

6. Mr. A. Tatak, learned counsel for the petitioner, submits that the petitioner, since his appointment on 02.01.2004 as Gaon Burah of Dipu Lamgu village, has been discharging his duties diligently and is the senior most Gaon Bura of the said village. He submits that upon the demise of the then Head Gaon Bura and considering the necessity of filling up the vacant post in the interest of conducting Customary Court, the village committee comprising the elders and other Gaon Burahs of the said village recommended the name of the petitioner for appointment as Head Gaon Burah. Instead of considering the case of the petitioner, the respondent No. 5 has been appointed as Head Gaon Buri, though she was appointed as Gaon Buri only in the year 2022. The respondent No. 5, having been appointed in the year 2022, is much junior to the petitioner and does not possess the requisite qualification to be appointed as Head Gaon Buri.

7. Mr. Tatak, learned counsel, submits that the appointment of the respondent No. 5 as Head Gaon Buri is purely at the behest of the local MLA of 9-Chayangtajo Assembly Constituency and is in gross violation of the guidelines governing the appointment of Head Gaon Burahs/Head Gaon Buris in the State of Arunachal Pradesh. Therefore, he submits that the impugned order dated 09.05.2023 passed by the Deputy

Commissioner, East Kameng District, Seppa is liable to be set aside and quashed and a direction may be issued to the respondent authorities to appoint the petitioner as Head Gaon Bura in terms of the applicable guidelines.

8. Mr. S. Tapin, learned Senior Government Advocate, submits that the respondent authorities did not receive any recommendation pursuant to the purported meeting dated 06.12.2022. The respondent No. 5 was appointed as Head Gaon Buri of Dipu Lamgu village vide order dated 09.05.2023 based on the Gram Sabha conducted by the Circle Officer and the recommendation of the Additional Deputy Commissioner, Chayangtajo, vide letter dated 23.12.2022. He submits that no consideration was required to be given to the representations filed by the petitioner, as the vacancy of Head Gaon Bura of Dipu Lamgu village had already been filled up on the basis of the recommendation of the public meeting held in the presence of the Administrative Officer, which was duly forwarded by the Additional Deputy Commissioner, Chayangtajo. No proposal or recommendation in favour of the petitioner was received by the respondent authorities, as neither any communication nor any forwarding was made by the concerned authority. The application of the petitioner seeking appointment as Head Gaon Bura was received only on 23.01.2024, by which time the private respondent No. 5 had already been appointed as Head Gaon Buri of Dipu Lamgu village. Therefore, no consideration could be made to the representation of the petitioner, as there was no vacancy at that stage.

9. Mr. S. Tapin, learned Senior Government Advocate, submits that the draft guidelines annexed by the petitioner dated Nil 2021 has not been

notified. On instructions, he submits that the Guidelines of 2005 for Appointment of Gaon Burahs in Arunachal Pradesh (hereinafter referred to as the Guidelines, 2005), issued by the Commissioner (District Administration), Government of Arunachal Pradesh, are still in vogue. He submits that under the Guidelines, 2005, seniority is not a prescribed criterion for selection; rather, the method of selection is to be through unanimous or majority opinion of the adult residents of the village at a full and open meeting of all village adults to be conducted in the presence of the Administrative Officer of the area, with a quorum of one third of the total number of persons above 18 (eighteen) years of age in the village. He submits that the respondent No. 5 was appointed as Gaon Buri on the recommendation of the villagers pursuant to the meeting dated 08.10.2022, which was conducted under the Chairmanship of the Circle Officer, an Administrative Officer and was forwarded by the Additional Deputy Commissioner, Chayangtajo. Therefore, the appointment of the respondent No. 5 is in consonance with the Guidelines, 2005, governing the appointment of Head Gaon Burahs and Head Gaon Buris. Accordingly, he submits that the writ petition is liable to be dismissed.

10. I have considered the submissions of the learned counsels appearing for the parties and also perused the materials available on record.

11. The petitioner was appointed as Gaon Burah in the year 2004, whereas the respondent No. 5 was appointed as Gaon Buri in the year 2022 and therefore, the petitioner is admittedly senior to the respondent No. 5.

12. The petitioner has annexed a guideline regulating the appointment of Head Gaon Burahs and Head Gaon Buris, which appears to be a draft one

which is accepted by the learned counsels for the parties during the course of hearing, as the draft is yet to be finalized and notified. Thus, the applicable guidelines for appointment of Head Gaon Burahs and Head Gaon Buris would be the Guidelines, 2005, issued by the Commissioner (District Administration), Government of Arunachal Pradesh.

13. Perusal of the guidelines does not specifically indicate how the Head Gaon Buras and Head Gaon Buris are to be appointed. However, as per Clause 2, which pertains to the "Mode of Selection," it is laid down that the basic character of this age-old customary institution is democratic; therefore, the method of selection shall be through the unanimous or majority opinion of the adult residents of the village at a full and open meeting, conducted in the presence of the Administrative Officer of the area. The quorum for such a meeting shall be one third of the total number of persons above 18 (eighteen) years of age in the village.

14. The appointment of the respondent No. 5 as Head Gaon Buri appears to be based on the recommendation of the villagers pursuant to the meeting dated 08.10.2022 as forwarded by the ADC, Chayangtajo, vide letter dated 23.12.2022. On perusal of the said Minutes of the Meeting, it is seen that the name of the respondent No. 5 was recommended by 16 (sixteen) members of Dipu Lamgu village. Therefore, it is not discernible whether the 16 (sixteen) villagers who attended the meeting dated 08.10.2022 fulfilled the quorum of one third as prescribed under Clause 2 of the Guidelines, 2005. Thus, the process of appointment of respondent No. 5 as Gaon Buri of Dipu Lamgu village appears to be not in accordance with the applicable guidelines for the appointment of Head Gaon Burah/Head Gaon Buri. Although the meeting appears to have been

conducted in the presence of the Administrative Officer, only 16 (sixteen) villagers were present, whereas the requirement is that the selection be made through the unanimous or majority opinion of the adult residents of the village at a full and open meeting, with a quorum of one third of the total number of persons above 18 (eighteen) years of age in the village.

15. Having considered that the respondent No. 5 was appointed as Gaon Buri only in the year 2022, while the petitioner was appointed as Gaon Bura in the year 2004, and also noting that the selection process for appointment of Head Gaon Bura or Head Gaon Buri appears to be not in accordance with Clause 2 of the Guidelines, 2005, I am of the considered view that the selection process for appointment of Head Gaon Bura and Head Gaon Buri of Dipu Lamgu village deserves to be reconsidered by following the due procedure prescribed under the applicable Guidelines for appointment of Head Gaon Buras and Head Gaon Buris. Thus, it would be appropriate to direct the respondent authorities to initiate a fresh selection process strictly in accordance with the applicable guidelines for appointment of Head Gaon Buras and Head Gaon Buris.

16. Accordingly, the respondent authorities are directed to initiate a fresh selection process for the appointment of Head Gaon Buras and Head Gaon Buris, strictly in accordance with the guidelines in force. Consequently, the impugned order dated 09.05.2023 passed by the Deputy Commissioner, East Kameng district, Seppa is hereby set aside. The exercise as directed, hereinabove, shall be carried out within a period of 3 (three) months from the date of receipt of the certified copy of this order. However, it is provided that until the selection process as directed hereinabove is completed, the respondent No. 5, namely, *Smti Nyakit Lamgu*, shall be

allowed to continue as Head Gaon Buri of Dipu Lamgu village.

17. Accordingly, the writ petition stands disposed of, in terms above.

JUDGE

Comparing Assistant