



GAHC010098662023



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

Case No. : WP(C)/2546/2023

PRASHANTA KR. CHAKRABORTY AND 10 ORS.
S/O LT. PROTAP CH. CHAKRABORTY R/O VILL. CHATAIMARI P.O.
CHIMLABARI P.S. LAKHIPUR DIST. GOALPARA ASSAM

2: MASER UDDIN KHAN
S/O LT. AFAZ UDDIN KHAN R/O VILL.FARINGAPARA P.S. AOLATALI P.S.
LAKHIPUR DIST. GOALPARA ASSAM

3: ABDUL JALIL MIAH
S/O IMAN ALI R/O VILL. KARAIBARI P.S. LAKHIPUR DIST. GOALPARA
ASSAM

4: NURUL ISLAM
S/O LT. SUKUR ALI R/O VIL.DAMRIBASHA P.O. KATARIHARA P.S.
LAKHIPUR DIST. GOALPARA ASSAM

5: FAKIR CHAN ALI
S/O LT. NAYEB UDDIN R/O VILL. DAMBARI P.O. TULSHIBARI P.S.
LAKHIPUR DIST. GOALPARA ASSAM

6: ABU BAKKAR SIDDIQUE
S/O LT. ZAMAL PORAMANIK R/O VIL. AOLATALI WEST SIMULBRI P.O.
AOLATALI P.S. LAKHIPUR DIST. GOALPARA ASSAM

7: NAYEB ALI MONDAL
S/O LT. KITAB ALI R/O VILL. MOTHABARI P.O. JEYBHUM P.S. BAGUN DIST.
GOALPARA ASSAM

8: ALI AKBAR
S/O SUJABAT ALI R/O VILL. BOALMARO P.O. BASHBARI P.S. BAGUAN
DIST. GOALPARA ASSAM

9: IDRISH ALI KHANDAKAR
S/O LT. HAJI ABDUL AWALY R/O VILL. AND P.O. DHARAI P.S. LAKHIPUR



DIST. GOALPARA ASSAM

10: AFJALUR RAHMAN
S/O SOBAHAN MUNCHI R/O AND VILL. SINGULIPARA P.S. LAKHIPUR
DIST. GOALPARA ASSAM

11: KHAYBAR ALI
S/O LT. MD. SARPAT ALI R/O VILL. RAKHLKILLA P.O. GAURNAGAR P.S.
LAKHIPUR DIST. GOALPARA ASSA

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
REVENUE DEPTT. DISPUR GUWAHATI 781006

2:THE DEPUTY COMMISSIONER
GOALPARA
P.O.AND DIST. GOALPARA ASSAM PIN 783101

3:THE ADDITIONAL DEPUTY COMMISSIONER
GOALPARA
P.O. AND DIST. GOALPARA ASSAM PIN 783101

4:THE CIRCLE OFFICER
LAKHIPUR REVENUE CIRCLE P.O LAKHIPUR DIST. GOALPARA ASSAM

5:THE CIRCLE OFFICER
BALIJANA REVENUE CIRCLE P.O. AGIA DIST. GOALPARA ASSAM PIN
78312

Advocate for the Petitioner : MR A R BHUYAN

Advocate for the Respondent : GA, ASSAM

Linked Case : WP(C)/2395/2023

KARUNA KANTA RABHA AND 54 ORS
S/O - LATE NAREN CH. RABHA
R/O - VILLAGE- MADANG PART-I
P.O.- DHANUBHANGA
P.S.- DHUPDHARA
DISTRICT- GOALPARA



ASSAM

PIN- 783130.

2: AMULYA CH. KALITA
S/O - LATE BINOY DAS

R/O - VILLAGE - BALIJANA

P.O. AND P.S.- AGIA

CIRCLE- BALIJANA

DISTRICT- GOALPARA
ASSAM.

3: HAZRAT ALI
S/O - LATE KURAN ALI
R/O - VILLAGE-THEPKAI
P.O.-SHIMIABARI
P.S.- BAGUAN
CIRCLE- BALIJANA
DISTRICT- GOALPARA
ASSAM.

4: ABDUL KADAR MONDAL
S/O LATE ABDUL GONI MONDAL
R/O - VILLAGE- HALDIBARI
P.O. AND P.S.- BAGUAN
CIRCLE- BALIJANA
DISTRICT- GOALPARA
ASSAM.

5: NURUL ISLAM
S/O - LATE SEKENDAR ALI
R/O - VILLAGE- TAPAR BHITA
P.O.- BALAR BHITA
P.S.- BAGUAN
CIRCLE- BALIJANA
DISTRICT- GOALPARA
ASSAM.

6: HAZRAT ALI
S/O LATE ABDUL HUSSAIN
R/O - VILLAGE- BALAR BHITA
P.O.- BALAR BHITA
P.S.- BAGUAN
CIRCLE- BALIJANA



DISTRICT- GOALPARA
ASSAM.

7: NAGENDOR CHANDRA NATH
S/O - LATE KALYAN MEDHI
R/O - VILLAGE- BARUA PARA
R.V. SABAJI BAGUN
P.O.- BAGUAN
P.S.-BAGUAN
CIRCLE- BALIJANA
DISTRICT- GOALPARA
ASSAM.

8: ABDUL HAMID
S/O - LATE NOSIMUDDIN SHEIK
R/O - VILLAGE- KONGKAIR PUBPAR
P.O.- MARKULA

P.S.- BAGUAN
CIRCLE- BALIJANA
DISTRICT- GOALPARA
ASSAM
PIN NO.- 783120.

9: SOLIM UDDIN
S/O - ABDUL HAMID SARKAR
R/O - VILLAGE- AMBARI
P.O.- AMBARI
P.S. - BAGUAN
CIRCLE- BALIJANA
DISTRICT- GOALPARA
ASSAM.

10: NISHAN ALI
S/O - LATE JAMAT ULLAH SHEIK
R/O - VILLAGE- KONGKAIR PACHIM PAR
P.O. AND P.S.- BAGUAN
CIRCLE- BALIJANA
DISTRICT-GOALPARA
ASSAM.

11: OSMAN GONI
S/O - LATE HASAN ALI
R/O - VILLAGE- NOLONGA PAHARTOLI
CIRCLE- BALIJANA
P.O.- RAMHORICHAR
P.S.- BAGUAN
DISTRICT- GOALPARA



ASSAM.

12: SHAHADOT ALI
S/O - LATE DOSMAMUD SHEIK
R/O - VILLAGE- SONAHARA
CIRCLE- BALIJANA
P.O.- RAMHORI CHAR
P.S.- BAGUAN
DISTRICT- GOALPARA.

13: AMJAD ALI
S/O - LATE ROSTOM ALI
R/O - VILLAGE- RAKHALDUBI
P.O.- BALARVITA
P.S.- BOGUAN
CIRCLE- BALIJANA
DISTRICT- GOALPARA
ASSAM.

14: NURUL ISLAM
S/O - LATE SUKUR ALI
R/O - VILLAGE- BALADMARI
P.O.- BALADMARI
REVENUE CIRCLE- BALIJANA
DISTRICT- GOALPARA
ASSAM.
PIN- 783121.

15: RAHAM ALI
S/O - ABDUL HAMID
R/O - VILLAGE- GOBINDAPUR
P.S.- GOALPARA
REVENUE CIRCLE- BALIJANA
DISTRICT- GOALPARA
ASSAM.

16: BINOD CHANDRA DAS
S/O - LATE DHIRENDRA CHANDRA DAS
R/O - VILL.- DEBATTAR BAPUPARA
PT- I
CIRCLE- BALIJANA
P.O. AND P.S.- AGIA
DISTRICT- GOALPARA ASSAM.

17: BABAR ALI
S/O - LATE RERAZUDDIN
R/O - VILLAGE- HORIPUR KARAIKHOWA
P.O.- KHARMUZA



P.S.- BAGUAN
REVENUE CIRCLE- BALIJANA
DISTRICT- GOALPARA ASSAM.

18: MOTIYAR RAHMAN
S/O - LATE KETAB ALI
R/O - VILLAGE- BATABARI
P.O.- MARKULA
P.S.- BAGUAN
REVENUE CIRCLE- BALIJANA
DISTRICT- GOALPARA
ASSAM.

19: MOYNAL HOQUE
S/O - ABDUL GAFUR MUNSHI
R/O - VILL.- BIRSHING HELENGACHAR PT- I
P.O.- JOYPUR BAZAR
P.S.- PANCHARATNA
CIRCLE- BALIJANA
DISTRICT- GOALPARA
ASSAM
PIN NO.- 783129

20: ABDUL WAHAB
S/O - LATE ABDUL MOZID MUNSHI
R/O - VILLAGE- BIRSHING
HELENGARCHAR PT- II
P.O.- JOYPUR BAZAR
P.S.- PANCHARATNA
REVENUE CIRCLE- BALIJANA
DISTRICT- GOALPARA
ASSAM.

21: KHAIR UDDIN
S/O - ABDUS SATTER MOLLAH
R/O - VILLAGE- RAM HORI CHAR PT-LL
P.O.- KHARMUJA
P.S.- PANCHARATNA
REVENUE CIRCLE- BALIJANA
DISTRICT- GOALPARA
ASSAM
PIN- 783101.

22: NUR MAHAMMAD MIRZA
S/O - ABDUL HAMID MIRZA
R/O - VILLAGE- SHADAR AGLA
P.O.- JOYPUR BAZAR
REVENUE CIRCLE- BALIJANA



DISTRICT- GOALPARA
ASSAM.

23: AZIZUL ISLAM
S/O - LATE JURAN ALI SHEIK
R/O - VILLAGE- PAKHRITARI
P.O.- BASHBARI
P.S.- BAGUAN
REVENUE CIRCLE- BALIJANA
DISTRICT- GOALPARA
ASSAM.

24: SHAJAHAN ALI
S/O - LATE RAJ ALI
R/O - VILLAGE- CHATAMARI
P.O. AND P.S.- BAGUAN
REVENUE CIRCLE- BALIJANA
DISTRICT- GOALPARA
ASSAM.

25: ABDUR ROHIM
S/O - LATE AMZAD ALI
R/O - VILLAGE- SHOULMARI
P.O.- AMBARI BAZAR
P.S.- BAGUAN
REVENUE CIRCLE- BALIJANA
DISTRICT- GOALPARA
ASSAM.

26: SHAHJAHAN ALI
S/O - ABDUR RAHMAN
R/O - VILLAGE- JIAPARA
P.O.- JOYPUR BAZAR
P.S.- PONCHA RATNA
REVENUE CIRCLE- BALIJANA
DISTRICT- GOALPARA
ASSAM.

27: JOYRAM NATH
S/O - LATE RAJESWAR NATH
R/O - VILL.- SATRA BAGUAN
P.O. AND P.S.- BAGUAN
REVENUE CIRCLE- BALIJANA
DISTRICT- GOALPARA
ASSAM.

28: KRISHNA KANTA BASUMATARY
S/O - LATE LALIT BASUMATARY



R/O - VILL.- BAMUNIGAON PT-I
REVENUE CIRCLE- RONGAI
P.O.- PATPARA
P.S.- DHUPDHARA
DISTRICT- GOALPARA
ASSAM.

29: KESHAB CH. BRAHMA
S/O - RABI RAM BRAHMA
R/O - VILLAGE- BHALUK JULI
P.O.- KAHIBARI
P.S.- RONGJULI
DISTRICT-GOALPARA
ASSAM.
PIN- 783130.

30: MD. AZIBAR RAHMAN
S/O - MOHERUDDIN SK
R/O - VILLAGE- TIPLAI PT- I
P.O.-TIPLAI
P.S.- RONGJULI
DISTRICT- GOALPARA
ASSAM.

31: KHALILUR RAHMAN
S/O - LATE NASIBULLA SHEIKH
R/O - VILL.- GARUCHATKA
P.O.-TIPLAI
P.S.- DHUPDHARA
REVENUE CIRCLE- RANGJULI
DISTRICT- GOALPARA
ASSAM.

32: NOWSHAD ALI AHMED
S/O - LATE IZZAT ALI MONDAL
R/O - VILLAGE- KAMAR POTA
P.O.- SIMLITOLA
P.S.- RANGJULI
REVENUE CIRCLE- RANGJULI
DISTRICT- GOALPARA
ASSAM.

33: BILAT ALI AHMED
S/O - LATE MAJOM
R/O - VILLAGE- CHAPLAI PT-LL
REVENUE CIRCLE- RANGJULI
P.O.- BAGDOBA
P.S.- DHUPDHARA



DISTRICT- GOALPARA
ASSAM.

34: MANO MOHAN DAS
S/O - LATE RABENDRA CH. DAS
R/O - VILL.- KHUTABARI PART-II

P.O.- BAGDOBA
REVENUE CIRCLE- RANGJULI
P.S.-DHUPDHARA
DISTRICT- GOALPARA ASSAM.

35: LACHIT HAZOWARY
S/O - LATE LOKA RAM HAZOWARY
R/O - VILLAGE- SHAOLEBORI
REVENUE CIRCLE- RANGJULI
P.O.- BAGDOBA
P.S.- DHUPDHARA
DISTRICT- GOALPARA
ASSAM.

36: MD. ABDUL GANI
S/O - MD. TAFAJUDDIN AHMED
R/O - VILLAGE- BARDAL PART-I
P.O.- BAGDOBA
P.S.-DHUPDHARA
DISTRICT- GOALPARA
ASSAM.

37: KISHOR KR. NATH
S/O - LATE MANO MOHAN NATH
R/O - VILLAGE- KHEKAPARA
P.O.- AMBARI
P.S.- DHUPDHARA
DISTRICT- GOALPARA
ASSAM
PIN- 783123.

38: SIDDIQUE ALI
S/O LATE BASOTULLAH SHEIKH
R/O - VILLAGE- KANKATA PART-II
P.O.- KAHIBARI
P.S.- RANGJULI
DISTRICT-GOALPARA
ASSAM
PIN- 783130.

39: AHADULLAH SARKAR



S/O - ASHRAF AI SARKAR
R/O - VILLAGE -BARPATHAR
P.O.- TIPIAI
P.S.- RANGJULI
REVENUE CIRCLE- RANGJULI
DISTRICT- GOALPARA
ASSAM.

40: RAJIB DAS (KALITA)
S/O - LATE THULESWAR DAS
R/O - VILLAGE- JOGIPARA
PT-LLL
P.O.- BAGDOWA
DISTRICT- GOALPARA
ASSAM.
DISTRICT- GOALPARA
ASSAM.

41: MUKUL SAUD
S/O - LATE MONORANJAN SAUD
R/O - VILLAGE- BARBARI
P.S.- SHIMLITALA
REVENUE CIRCLE- RANGJULI
DISTRICT- GOALPARA ASSAM.

42: DEBEN BORO
S/O - LATE ANANT RAM BORO
R/O - VILLAGE- BIMANPARA
P.O.- AMBARI
P.S.- DHUPDHARA
REVENUE CIRCLE- RANGJULI
DISTRICT- GOALPARA
ASSAM.

43: SUBHASH CH. PATHAK
S/O - LATE JATJANDRA CH. PATHAK
R/O - VILLAGE- DHANTOLA
P.O.- AMBARI
P.S.- DHUPDHARA
REVENUE CIRCLE- RANGJULI
DISTRICT- GOALPARA ASSAM.

44: SAMJAD ALI MONDAL
S/O - LATE AKKEL ALI
R/O - VILLAGE- BAPARBHITA
REVENUE CIRCLE- LAKHIPUR
DISTRICT- GOALPARA
ASSAM.



45: MOTIUR RAHMAN
S/O - MOKRAM ALI
R/O - VILLAGE- KURSHAKATI
P.O.- AOLATULI
P.S.- LAKHIPUR
REVENUE CIRCLE- LAKHIPUR
DISTRICT- GOALPARA
ASSAM.

46: ROBIN CH. KOCH
S/O - BICHER CH. KOCH
R/O - VILL.- KURSHA PAKHRI PT.-I
P.O.- HASHDOBA
P.S.- LAKHIPUR
REVENUE CIRCLE- LAKHIPUR
DISTRICT- GOALPARA
ASSAM.

47: ASHUTOSH KHATRIYA
S/O - LATE BHAGIRAT KHATRIA
R/O - VILL.- BHANDARMATHA
P.O.- HASH DOBA
REVENUE CIRCLE- LAKHIPUR
DISTRICT- GOALPARA
ASSAM.

48: NURUDDIN AHMED
S/O - LT. MOHUBUBAR RAHMAN
R/O - VILL- KATLAMARI
P.O.- KALISHIBHITA
REVENUE CIRCLE- LAKHIPUR
DISTRICT- GOALPARA
ASSAM.

49: JOYNAL ABEDIN ANSARY
S/O - LATE FOZAR ALI
R/O - VILLAGE- KADOTIKA
P.O.- AMBARI BAZAR
P.S.- BAGUN
CIRCLE- BALIJANA
DISTRICT- GOALPARA
ASSAM
PIN- 783129.

50: AZIBAR RAHMAN
S/O - JOBAN ALI MUNSHI
R/O - VILLAGE- POLASH BARI



P.O. AND P.S.- BAGUN
DISTRICT- GOALPARA
ASSAM.

51: ABDUR REZZAK
S/O - LATE AKKESH ALI
R/O - VILL.- NUNKHUWA PT- I
P.O.- JOYPUR BAZAR
P.S.- PANCHARATNA
CIRCLE- BALIJANA
DISTRICT- GOALPARA
ASSAM.

52: SAHADAT ALI
S/O - HAJI BOLA MANDAL
R/O - VILLAGE- HAGURIPARA
P.O.- MESERBHITA
P.S.- LAKHIPUR
DISTRICT- GOALPARA
ASSAM.

53: ABU BAKKAR SIDDIQUE
S/O - HAJI AFAS UDDIN PARAMANIK
R/O - CHULKANI
P.O.- TAKIMARI
P.S.- LAKHIPUR
DISTRICT- GAOLPARA
ASSAM.

54: CHITTRA RANJAN BARMAN (KHATRIYA)
S/O - GAUR MOHAN KHATRIYA
R/O - VILLAGE- RAMBUKDARA
P.O.- LELA
P.S.- DUDHNOI
CIRCLE- DUDHNOI
DISTRICT- GOLAPARA
ASSAM.

55: AKHIRI JAMAN
S/O - LATE SHO HAR ALI
R/O - VILLAGE-BHIM KHOZ
P.O.- KALISHABHITA
P.S.- LAKHIPUR
CIRCLE- LAKHIPUR
DISTRICT- GOALPARA
ASSAM.
VERSUS



THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
REVENUE DEPARTMENT
DISPUR

GUWAHATI- 6.

2:THE DEPUTY COMMISSIONER
GOALPARA
DISTRICT GOALPARA
ASSAM.

3:THE ADDITIONAL DEPUTY COMMISSIONER CUM SUB-DIVISIONAL
OFFICER(S)
GOALPARA

DISTRICT- GOALPARA
ASSAM.

4:THE SUB-DIVISIONAL OFFICER (S) GOALPARA

P.O. AND P.S.- GOALPARA
DISTRICT- GOALPARA
ASSAM.

Advocate for : MR H DAS

Advocate for : SC

REVENUE appearing for THE STATE OF ASSAM AND 3 ORS

BEFORE

HON'BLE MR. JUSTICE SANJAY KUMAR MEDHI

Advocates for the petitioners : Shri AR Bhuyan
Shri H. Das

Advocates for the respondents : Shri TC Chutia, Addl. GA-Assam
Shri J. Handique, SC-Revenue Dept.

Date of hearing : **25.07.2024**

Date of Judgment : **25.07.2024**



JUDGMENT & ORDER

Both these two writ petitions being on an identical cause of action, the same are being disposed of by this common judgment and order. The issue is with regard to the appointment of Gaonburah in various lots in the district of Goalpara. While in WP(C)/2395/2023, there are 55 numbers of petitioners, in WP(C)/2546/2023, there are 11 numbers of petitioners.

2. There is a chequered history, including history of writ petitions in these cases. As per the facts projected, there was an exercise to fill up the posts of honorary Gaonburah in the year 2000. After various communications and a recruitment process, the petitioners were appointed in various Lots as honorary Gaonburah sometime in the year 2005. Few of the appointment letters have also been annexed and there is no dispute with such appointments.

3. While discharging their duties, suddenly an order was passed on 16.02.2009 whereby the appointments of the petitioners were cancelled. The order however reflected that such cancellation was pursuant to certain orders passed by this Court in writ proceedings. It is the categorical case of the petitioners that they were not made parties in the said writ proceeding. In the meantime, few of the petitioners had filed WP(C)/1489/2009 in which this Court had passed an order on 06.04.2009 whereby notice was issued and an interim order was passed. This Court has also noted that a review application was filed against the earlier order passed in certain writ appeals arising out of WP(C)/6054/2005. Thereafter, vide an order dated 15.07.2010, the appointments of the petitioners were restored. The review application being Review.Pet./37/2013 by the petitioners before the Hon'ble Division Bench was allowed on 01.03.2013 whereby the order dated 12.11.2017 dismissing the writ appeals was recalled. Further, the writ petition, pursuant to which the



cancellation order was made was restored with a direction that the petitioners in that case would file amended writ petition to implead the present petitioners within a period of a month. Since there was certain error in the order dated 01.03.2013, the Hon'ble Division Bench had passed a subsequent order on 29.07.2013 whereby the necessary correction was made pertaining to the number of the first writ petition which was actually WP(C)/6054/2005. The said writ petition had come up for consideration on 09.12.2019 and this Court having noticed that there was no representation and even the amendment, as directed by the Hon'ble Division Bench on 01.03.2013 was not done, the writ petition was dismissed. The present petitioners accordingly continued in their service as honorary Gaonburah. However, it is contended that no remuneration of any kind have been paid to them. The grievance of the petitioners is presently against an advertisement dated 18/20.04.2023 for filling up posts of Gaon Pradhan in 360 Lots in the district of Goalpara. It is this recruitment process and the action to fill up the post of Gaon Pradhan which is the subject matter of challenge.

4. I have heard Shri H. Das, learned counsel for the petitioners in WP(C)/2395/2023 and Shri AR Bhuyan, learned counsel for the petitioners in WP(C)/2546/2023. I have also heard Shri TC Chutia, learned Additional Senior Government Advocate, Assam and Shri J. Handique, learned Standing Counsel, Revenue Department. The respondent nos. 1 and 2 have also filed affidavit-in-opposition followed by rejoinder affidavit by the petitioners.

5. The learned counsel for the petitioners have submitted that there is no shortcomings in the eligibility or qualification of the petitioners for being appointed as Gaonburah / Gaon Pradhan. It is submitted that the initial appointment of the petitioners in the year 2005 was after the validly held recruitment process, wherein all the factors including eligibility was taken into



consideration. It is submitted that the petitioners were Matriculate which is the minimum requirement and this aspect was suppressed in the first round of litigation against the petitioners, namely, WP(C)/6054/2005 instituted by certain unsuccessful candidates. Though the writ petition was initially allowed and the connected writ appeals dismissed, the said aspect was clarified in the review petition and accordingly, the said order were recalled and the said writ petition was restored vide order dated 01.03.2013. It has also been pointed out that the writ petition was ultimately dismissed both for non-prosecution and for not complying with the direction of the Hon'ble Division Bench. It is submitted that when there is no complaints with regard to the eligibility of the petitioners and they had undergone a recruitment process before their appointment in the said posts, the fresh advertisement at least for those posts where the petitioners are working is not at all called for or justified.

6. The learned counsel for the petitioners have also drawn the attention of this Court to the interim order dated 05.06.2023 passed in these cases whereby there is a restraint not to make fresh appointment in those Lots where the petitioners are working. It is categorically asserted that the petitioners are working in their respective posts of Gaonburah. However, the complaint is that no honorarium or remuneration have been paid.

7. The learned counsel for the petitioners have also highlighted the aspect that till now there is no order of termination of the services of the petitioners and in fact, the initial order of 16.02.2009 whereby the appointment was cancelled was superseded by the order of 15.07.2010 whereby the appointments were restored and thereafter the petitioners are in continuous service.

8. On the other hand, Shri Chutia, learned State Counsel, by referring to the



affidavit-in-opposition has submitted that the recruitment process initiated on 20.04.2023 is in the interest of public as the intention was to fill up the post of Gaon Pradhan in 360 Lots. He accordingly submits that the restraint order should be modified and the recruitment be allowed to be made. The learned State Counsel has however submitted that there is no instructions as to whether the other Lots where the petitioners are not affected have been filled up or not.

9. Shri Handique, learned Standing Counsel, Revenue Department, while endorsing the submission of the learned State Counsel, has however raised the issue of eligibility *qua* the age factor. By referring to the amended Executive Instructions under the Assam Land Revenue Regulations 1886 which were notified on 26.08.2021, learned Standing Counsel has drawn the attention to the amended instruction No. 162A, as per which the upper age of Gaon Pradhan has been specified as 65 years. He submits that in case, any direction is passed for continuation of the petitioners in service in those Lots where they were appointed, the aforesaid age factor has to be taken into consideration as some of the petitioners appear to have crossed the age of 65.

10. The rival submissions have been duly considered and the material placed before this Court have been carefully examined.

11. The initial appointments of the petitioners were, without any dispute, through a validly held recruitment process. The said appointments were made in the year 2005 when the nomenclature of the post was honorary Gaonburah. Due to some orders passed by this Court, their appointments were cancelled which however was restored after clarificatory orders were passed by this Court in the review petition being Review.Pet./37/2013. This Court has also noticed that the initial writ petition WP(C)/6054/2005 which was instituted by certain unsuccessful candidates and was restored by the Hon'ble Division Bench vide



the order dated 01.03.2013 by recalling the earlier was ultimately dismissed on 09.12.2019 for non-prosecution. The unsuccessful candidates did not even comply with the direction of the Hon'ble Division Bench to implead the successful candidates which include the present petitioners.

12. Be that as it may, the appointments of the petitioners were admittedly restored on 15.07.2010 and there is no order of discontinuation or termination of their services till now. The interim order passed by this Court on 05.06.2023 is also very categorical whereby a restriction was put so far as making appointments in those Lots where the petitioners are working. The only difference is the nomenclature in the present advertisement dated 18/20.04.2023 which is for Gaon Pradhan whereby certain remuneration is also contemplated by the present Rules.

13. This Court, on taking into account the facts and circumstances, is of the considered opinion that though there may not be any issue of legality with the fresh advertisement, while recruiting for the post of Gaon Pradhan, the Lots where the petitioners have been discharging their duties on the strength of their initial appointment as Gaonburah should not be made part of the said recruitment process. As a corollary, it is directed that the petitioners be continued to discharge their duties as Gaonburah / Gaon Pradhan in terms of the present Rules and as incorporated in the advertisement dated 18/20.04.2023. The aforesaid direction is however restricted to only the present petitioners, who are 66 in numbers for equal numbers of Lots. It is also made clear that there is no restriction whatsoever in filling up the in the remaining Lots advertised on 18/20.04.2023.

14. This Court has however taken note of the submission made on behalf of the respondents regarding the age bar. While allowing the petitioners to



continue in their service, as Gaonburah / Gaon Pradhan, verification may be made regarding the age factor of the petitioners. The petitioners are accordingly directed to submit proof of their age to the authorities within a period of 15 days from today, based upon which, consequential action may be taken. In case, any of the petitioners are found to be over-aged to continue with the post, those Lots can be filled up by the respondent authorities in accordance with law.

15. Both the writ petitions stand allowed, in the manner indicated above. The interim order dated 05.06.2023 accordingly stands merged with this final order.

16. No order as to cost.

JUDGE

Comparing Assistant