

GAHC010020432015



undefined

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

Case No. : WP(C)/5258/2015

SRI JIRSONG TERANG
S/O SRI PHUDING TERANG R/O VILL- RONGKHELAN, WARD NO. 8, P.O.
DIPHU DIST. KARBI ANGLONG, ASSAM, PIN - 782460.

VERSUS

THE STATE OF ASSAM AND 11 ORS
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM, TRIBAL AREAS AND
DEVELOPMENT DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE KARBI ANGLONG AUTONOMOUS COUNCIL
REP. BY ITS PRINCIPAL SECRETARY
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
ASSAM- 782460.

3:THE CHIEF EXECUTIVE MEMBER

REVENUE
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
ASSAM- 782460.

4:THE JOINT SECRETARY P
REVENUE KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
ASSAM- 782460.

5:THE JOINT SECRETARY

PERSONNEL "A" DEPARTMENT
REVENUE

KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
ASSAM- 782460.

6:THE VIVA-VOICE CONDUCT COMMITTEE
REP. BY THE CHAIRMAN-CUM-THE PRINCIPAL SECRETARY
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
ASSAM- 782460.

7:SRI DHANESWAR INGTI

S/O LT. MOHORI INGTI THE JOINT SECRETARY P
REVENUE KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
ASSAM- 782460.

8:SRI NILUTPAL RONGHANG

SON OF LT. SING RONGHANG
R/O ARTUKEKANG
P.O. DONKANMUKAM
P.S. BAITHALANGSHO
DIST. KARBI ANGLONG
ASSAM- 782450.

9:SRI JOJO TERANG
S/O SRI JOYDHAI TERANG
R/O NEAR PHE OFFICE U
P.O. and P.S. DIPHU
DIST. KARBI ANGLONG
ASSAM- 782460.

10:SRI LONGBINI INGTI
S/O SRI DHANESWAR INGTI
R/O COUNCIL COLONY
P.O. and P.S. DIPHU
DIST. KARBI ANGLONG
ASSAM- 782460.

11:SMTI. SAKHI INGTI

D/O SRI DHANESWAR INGTI R/O COUNCIL COLONY
P.O. and P.S. DIPHU
DIST. KARBI ANGLONG
ASSAM- 782460.

12:SUPERINTENDENT OF POLICE

KARBI ANGLONG
DIPH

Advocate for the Petitioner : MR. M KALITA, MR. D K BAIDYA, MR. J PATOWARY, MR. U K NAIR, MR. A CHETRY, MR. U K BARMAN, MR. H ALI, MR. D PEGU, MR. R KONWAR

Advocate for the Respondent : MR. J CHUTIA, MR. V A CHOWDHURY (R- 8,9&10), SC, K A A C, GA, ASSAM, MR. P K MUNIR (R-8,9&10), MR. M CHOUDHURY (Sr.Adv.) (R- 8,9&10), MR. M MAHANTA (R- 8,9&10)

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

28.11.2024

Heard Mr. J. Patowary, learned counsel for the petitioner. Also heard Mr. J. Chutia, learned Standing Counsel, KAAC appearing for the respondent Nos.2 to 6. Mr. A. Kalita, learned counsel is present for the respondent Nos.8, 9 and 10 whereas, Mr. D. Das, learned counsel is present for the respondent No.7. Mr. C. K. S. Baruah, learned Govt. Advocate, Assam is present for the respondent Nos.1 and 12.

The writ petitioner herein had participated in the recruitment process initiated by the authorities of the Karbi Anglong Autonomous Council *inter-alia* for filling up a few vacant posts of Assistant Revenue Officers (ARO) vide advertisement notice dated 31.05.2014. Upon completion of the process the respondent Nos.8, 9 and 10 emerged as selected candidates. Consequently, appointment orders were issued in their favour in the year 2014. Alleging that the selection process stood vitiated on account of biasness and malpractices committed by the authorities, the instant writ petition has been filed alleging that the Member Secretary of the Selection Board i.e. respondent No.7 had influenced the entire

selection process in order to have his son i.e. respondent No.10, included in the select list. In so far as the respondent Nos.8 and 9 are concerned, it has been alleged that there were serious anomalies in their answer-scripts, for which, the said respondents also could not have been selected.

The fact remains that after the publication of the select list in the year 2014 and pursuant to their appointment, the private respondents have joined as Assistant Revenue Officers and since then, they are working in the said posts. Not only that, during the pendency of the writ petition, the petitioner was also appointed as Forest Ranger and he is also presently serving as Forest Ranger under the Forest Department, Government of Assam drawing a pay-scale of more than Rs.22000/- per month which is substantially higher than the pay-scale applicable in the case of Assistant Revenue Officers. In view of the above development, this matter was adjourned so as to enable the petitioner's counsel to obtain instruction as to whether, his client would be still willing to join as Assistant Revenue Officer in the event, he succeeds in the writ petition.

Responding to the above, Mr. Patowary, on instructions, submits that since the petitioner is already suitably employed in a Government job, drawing a higher pay-scale, he would not be interested to join as Assistant Revenue Officer even if he succeeds in the writ petition. If that be so, entertaining the plea raised in the writ petition, at this stage, would be nothing but a mere academic exercise. Since the private respondents have already joined their respective jobs and are serving for past several years, this Court is of the view that although some important issues have been raised in the writ petition, the present is not a fit case where the writ petition should be decided on merits as the same would merely be an academic exercise.

As such and as agreed to by learned counsel for all the sides, this writ petition is being disposed of by providing that all the legal issues raised in the writ petition, shall remain open to be dealt with in an appropriate proceeding in future, as and when the occasion arises.

With the above observation, the writ petition stands disposed of.

JUDGE

Comparing Assistant