

GAHC010050282020



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

Case No. : WA/242/2022

MD. BABUL HUSSAIN
RESIDENT OF VILLAGE ROUMARI, MAUZA CHENGA, P.O. CHENIMARI, P.S.
TARABARI, DIST. BARPETA, ASSAM, PIN 781305.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM, DEPTT. OF
REVENUE, DISPUR, GUWAHATI-6, PIN 781006.

2:THE COMMISSIONER TO THE GOVT. OF ASSAM

LOWER ASSAM DIVISION
DISPUR
GUWAHATI-6
PIN 781006.

3:THE DEPUTY COMMISSIONER
BARPETA
DISTRICT BARPETA
ASSAM.

4:THE ADDL. COMMISSIONER (LAND RECORD)

BARPETA
DISTRICT BARPETA
ASSAM
PIN 781301.

5:MD. JAHIDUL HUSSIAN
SON OF MD. JAINAL ABEDIN
RESIDENT OF VILLAGE ROWMARI

MAUZA CHENGA
P.O. CHENIMARI
P.S. TARABARI
DIST. BARPETA
ASSAM
PIN 781301

Advocate for the Petitioner : MR. A K PURKAYASTHA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

15.05.2024

(Vijay Bishnoi, CJ)

This intra-court appeal is filed by the appellant being aggrieved with the order dated 29.08.2019 passed by the learned Single Judge in WP(C) 6777/2017, whereby the writ petition filed by the appellant has been dismissed.

The appellant raises a question regarding appointment of the respondent No. 5 as the Gaonburah of Charge No. 21, Chenga Revenue Circle in the district of Barpeta, Assam. The respondent No. 5 was appointed as Gaonburah on 10.10.2013.

The learned Single Judge, after hearing the learned counsel for the parties and after going through the records pertaining to the said selection process, recorded a finding that the marks awarded by the Members of the Selection Committee to the respondent No. 5 were higher than that of the appellant. The learned Single Judge has also observed that long time had elapsed since the selection and appointment of the respondent No. 5 and, therefore, no useful purpose would be served by remanding the matter to the appellate authority, which would be merely an academic exercise because no error or infirmity was

found by the Court in the selection of the respondent No. 5 as Gaonburah.

Having heard the learned counsel appearing for the appellant and taking into consideration the fact that even after dismissal of the writ petition filed by the appellant, almost five years have passed by, we are not inclined to interfere with the impugned order passed by the learned Single Judge. Hence, the appeal is dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant