

GAHC010008432024



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

**Case No. : WA/32/2024**

SAMINDRA NATH KALITA AND 2 ORS.  
S/O LT. LALIT CH. KALITA, R/O KALMONI, P.O.-MADHUKUCHI, DIST-  
KAMRUP, ASSAM

2: ANIL KALITA  
S/O LT. DHATURAM KALITA  
R/O NAKUCHI  
P.O.-MORANJANA  
DIST-KAMRUP  
ASSAM

3: PRABHAT KALITA  
S/O LT. SABAH RAM KALITA  
R/O MAIDAMGAON  
TRIPURA ROAD NO. 3 UDAYAN PATH  
P.O.-BELTOLA  
DIST-KAMRUP(M)  
ASSA

VERSUS

THE STATE OF ASSAM AND 3 ORS.  
REPRESENTED BY COMMISSIONER AND SECRETARY  
TO THE GOVT. OF ASSAM,  
HOME AND POLITICAL DEPARTMENT, DISPUR, GUWAHATI-6

2:THE COMMISSIONER AND SECRETARY  
TO THE GOVERNMENT OF ASSAM  
PERSONAL (B) DEPTT.  
DISPUR GUWAHATI-6

3:THE COMMISSIONER AND SECRETARY TO GOVERNMENT OF ASSAM  
FINANCE SIU DEPARTMENT  
DISPUR GUWAHATI-6

4:THE COMMISSIONER AND SECRETARY  
TO GOVERNMENT OF ASSAM  
DEPARTMENT OF P.W.D.  
DISPUR GUWAHATI-

For the appellants : Ms. A. Talukdar,  
Ms. J. Deka, Advocates  
For the respondents : Mr. D. Nath,  
Senior Govt. Advocate, Assam

– B E F O R E –

**HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI**  
**HON'BLE MR. JUSTICE SUMAN SHYAM**

**07-02-2024**

*(V. Bishnoi, C.J.)*

This intra-Court appeal is filed on behalf of the petitioners being aggrieved with the order dated 06.12.2023 passed by the learned Single Judge whereby the writ petition filed by the appellants has been dismissed.

2. The brief facts of the case are that the appellants claiming themselves as surrendered militants had approached this Court by way of filing writ petition, being, W.P.(C) 5464/2013 with the prayer to direct the State to provide them employment as being surrendered militants. The aforesaid writ petition came to be disposed of by this Court vide order dated 27.07.2018 with the direction to the respondents to consider the case of the petitioners and grant them suitable relief and rehabilitation, keeping in mind the fact that they joined the main stream with a hope to be re-settled and that similarly situated persons were given the benefit of employment. Pursuant to the direction given by this Court, the cases of the petitioners were considered. However, the Government of Assam vide order dated 04.01.2022 has turned down the request of the petitioners to provide them employment in the State Government. Being

aggrieved with the same, the petitioners have preferred the writ petition, being, W.P. (C) 1499/2022 before this Court, which came to be dismissed by the learned Single Judge by the impugned order dated 06.12.2023. Hence, this appeal.

3. Having heard the learned counsel for the parties and after going through the material available on record and, particularly, taking into consideration the observations made by the learned Single Judge in paragraph 6 of the impugned order, which is reproduced herein, we do not find any merit in this appeal.

*“6. It is grievance of the petitioners that the petitioners are entitled for appointment not any other rehabilitation under the scheme, however, the learned counsel for the petitioners has not been able to show any scheme or policy decision of the Government that surrendered militant shall be appointed to Government post.”*

Even the counsel for the appellants has failed to satisfy this Court that any scheme or policy of the State Government is in existence wherein it is provided that the surrendered militants shall be provided appointment in the State Government.

4. The learned Single Judge while closing the writ petition has already issued a direction for rehabilitation of the petitioners under the Rehabilitation Scheme. Therefore, no further direction is required to be issued.

5. This intra-Court appeal is, accordingly, dismissed.

**JUDGE**

**CHIEF JUSTICE**

Comparing Assistant