

GAHC010119812019



Application No.	Application Received on	Date on which copy was made ready	Fees paid (Rs.)	Posting date to Delivery Desk
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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C) 3567/2019

1: PREMCHAN MANDAL AND 9 ORS.
S/O- LATE THAKUR DAS MANDAL, CHAIRMAN OF SUB DIVISIONAL SC DEVELOPMENT BOARD, MORIGAON, , R/O- VILL NO.1 BORPOTHAR, P.O- TOPTOLA, DIST- MORIGAON, ASSAM, PIN- 782105

2: DEEP DAS
S/O- LATE DILIP DAS
CHAIRMAN OF SUB DIVISIONAL SC DEVELOPMENT BOARD
NAGAON
R/O- VILL- RAIDONGIA
P.O- AIBHETI
P.S- JAJORI
DIST- NAGAON
ASSAM
PIN- 782003

3: HARESWAR DHUBI
S/O- LATE RAGHU NANDAAN DHUBI
CHAIRMAN OF SUB DIVISIONAL SC DEVELOPMENT BOARD
LAKHIPUR
R/O- VILL- URABIL BASRI
P.O- PAILAPOOL
PIN- 788001

4: ARUN BISWAS
S/O- LATE RAMESH CHANDRA BISWAS
CHAIRMAN OF SUB DIVISIONAL SC DEVELOPMENT BOARD
SILCHAR
R/O- VILL- ITKHOLA R K PALLY
P.O AND P.S- SILCHAR
DIST- CACHAR
ASSAM
PIN- 788001

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5: PRABHAT CHANDRA DAS
S/O- AMBARIK DAS
CHAIRMAN OF SUB DIVISIONAL SC DEVELOPMENT BOARD
TINSUKIA
R/O- VILL- DOHUTIA CHUK ROAD
P.O AND P.S- TINSUKIA
DIST- TINSUKIA
ASSAM
PIN- 786125

6: HRISHIKESH DAS
S/O- KRIPESH RANJAN DAS
VICE CHAIRMAN OF SUB DIVISIONAL SC DEVELOPMENT BOARD
HOJAI
R/O- LANKA
P.O- LANKA
DIST- HOJAI
ASSAM
PIN-

7: DEBESWAR MORAN
S/O- LATE RATNESWAR MORAN
CHAIRMAN OF SUB DIVISIONAL SC DEVELOPMENT BOARD
DIBRUGARH
R/O- VILL- BEBEJIA GAON
P.O AND P.S- LAHOWAL
DIST- DIBRUGARH
ASSAM
PIN- 786010

8: DEEPA HAZARIKA
D/O- INDRA PRASAD HAZARIKA
CHAIRMAN SUB DIVISIONAL SC BOARD
GUWAHATI
BHETAPARA
P.O- BHETAPARA
DIST- KAMRUP (M)
ASSAM

9: KULESWAR BORA
CHAIRMAN SUB DIVISIONAL SC BOARD
LAKHIMPUR
P.O AND P.S- NORTH LAKHIMPUR
DIST- LAKHIMPUR
ASSAM
787001

10: RABIN MANDAL

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CHAIRMAN SC DEVELOPMENT BOARD
KALIABOR
S/O- LATE RAMAKANTA MANDAL
R/O- VILL- TUBOKIJARANI
P.O- DAKHIN BELOGURI
DIST- NAGAON
ASSAM
PIN- 78212

VERSUS

1:THE STATE OF ASSAM AND 12 ORS
THROUGH THE COMMISSIONER AND SECRETARY TO THE GOVT OF
ASSAM, WPT AND BC DEPTT, DISPUR, GUWAHATI- 781006

2:THE ADDITIONAL CHIEF SECRETARY
TO THE GOVT OF ASSAM
WPT AND BC DEPTT
DISPUR
GUWAHATI- 781006

3:THE JOINT DIRECTOR
TO THE GOVT OF ASSAM
WPT AND BC DEPTT
DISPUR
GUWAHATI- 781006

4:THE DIRECTOR
WELFARE OF SCHEDULED CASTES
ASSAM
SARUMOTORIA
DISPUR
GUWAHATI- 06

5:THE DEPUTY COMMISSIONER
MORIGAON
P.O- MORIGAON
DIST- MORIGAON
ASSAM
PIN- 782105

6:THE DEPUTY COMMISSIONER
NAGAON
P.O- NAGAON
DIST- NAGAON
ASSAM
PIN- 782001

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7:THE DEPUTY COMMISSIONER
CACHAR
P.O- SILCHAR
DIST- CACHAR
ASSAM
PIN- 788001

8:THE DEPUTY COMMISSIONER
TINSUKIA
P.O- TINSUKIA
DIST- TINSUKIA
ASSAM
PIN- 786001

9:THE DEPUTY COMMISSIONER
HOJAI
P.O- SANKARDEV NAGAR
DIST- HOJAI
ASSAM
PIN- 782435

10:THE DEPUTY COMMISSIONER
DIBRUGARH
P.O- DIBRUGARH
DIST- DIBRUGARH
ASSAM
PIN- 786003

11:THE DEPUTY COMMISSIONER
KAMRUP (M)
GUWAHATI
DIST- KAMRUP (M)
ASSAM
PIN- 781001

12:THE DEPUTY COMMISSIONER
LAKHIMPUR
P.O- NORTH LAKHIMPUR
DIST- LAKHIMPUR
ASSAM
PIN- 787001

13:THE DEPUTY COMMISSIONER
BARPETA
P.O- BARPETA
DIST- BARPETA
ASSAM
PIN- 78130

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Advocate for the Petitioner : MR. R MAZUMDAR

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 26-07-2019

Heard Mr. R. Mazumdar, learned counsel for the writ petitioners. I have also heard Mr. R. Dhar, learned Government Advocate, Assam, appearing for all the respondents.

The controversy in this writ petition pertains to the issue as to whether the term of office of the Sub-Divisional S.T. Boards constituted by the petitioners would be for a period 3 years or the same would have a life for 5 years.

There are conflicting notifications available on record touching upon the said issue. Therefore, the matter would call for examination by this Court.

Issue notice returnable on 26/08/2019.

Since the respondents are already represented, no formal notice is required to be sent in this case. However, extra copies of the writ petition, requisite in numbers, be furnished to the learned Government Advocate, within three days from today, enabling him to obtain instruction in the matter.

It appears that there are some perishable items such as vegetables etc. awaiting distribution amongst the beneficiaries. However, due to the interim order operating in a connected writ petition i.e. WP(C) 1510/2019, neither the petitioners are in a position to distribute the same nor would it be permissible for the Government to do so. Under the circumstances, it is only the beneficiaries who are suffering.

Having regard to the facts and circumstances of the case, as an interim measure, the Deputy



Commissioner of the concerned district is directed to take necessary step for distribution of the perishable items. On that behalf, if necessary, the Deputy Commissioner may also take necessary steps for proper selection of the beneficiaries, as per law.

It is, however, made clear that the leave granted by this Court would remain confined only to the perishable items.

List this matter again on 26/08/2019 along with WP(C) 1510/2019.

Set Suman Shyam

JUDGE

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29.07.2019
Comparing Assistant

CERTIFIED TO BE TRUE COPY

Raj Kumar Mishra
Date: *29/07/2019*
Administrative Officer (Judicial)
Copying Section
Gauhati High Court
Authorised U/S 76, Act 1, 1872