

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

WA No.264 of 2017

Appellant:

Md. Tamar Uddin,
S/O Late Sayed Ali,
Vill & P.O. Burabari,
Dist: Morigaon, Assam

Respondents:

1. The State of Assam to be represented by the Commissioner and Secretary to the Govt. of Assam, Registration Department, Dispur, Guwahati-6
2. The Permanent Committee, represented by Inspector General of Registration, Assam, Rupnagar, Guwahati-32.
3. The Inspector General of Registration, Assam, Rupnagar, Guwahati-32.
4. The Deputy Commissioner of Morigaon District, Assam. Pin-782105
5. The District Registrar, Morigaon, Assam. Pin-782105
6. The Sub Registrar Morigaon, Assam Pin-782105
7. The Circle Officer, Mayong Revenue Circle, Morigaon. Pin-782411
8. Md.Harish Ullah, S/o Ahmed Ullah, Vill: Kuranibori, P.O.Kuranibori, PS Mayong, District: Morigaon, Assam

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. AJIT SINGH
HON'BLE MR. JUSTICE MANOJIT BHUYAN**

For the appellant : Mr. AM Barbhuiya and Ms. M Medhi, learned counsel.

For Respondent Nos.1-7 : Mr. R Dhar, learned Additional Senior Government Advocate, Assam

For Respondent No.8 : Mr. PK Deka and Mr. JH Laskar, learned counsel

Date of hearing & judgment : 15.12.2017

JUDGMENT AND ORDER

(Ajit Singh, C.J.)

This intra court appeal is directed against the order dated 25.08.2017 passed by the learned Single Judge of this High Court, whereby he has dismissed appellant's WP(C) No. 49/2017.

2. In the present case, the dispute is over appointment of Moslem Registrar for Buraburi area in District – Morigaon. On 9.12.2010, the District Registrar nominated the names of respondent No.8 and appellant along with other candidates for appointment as Moslem Registrar to the permanent committee. The name of respondent No.8 was on top in the select list whereas the name of appellant was at serial No.2. The permanent committee, without assigning any reason, instead of appointing respondent No.8, appointed the appellant as Moslem Registrar. Aggrieved, respondent No.8 filed WP(C) No. 5359/2011, which the learned Single Judge of this Court allowed vide order dated 16.05.2011. The appellant challenged the order of the learned Single Judge in W.A. No. 170/2012 and it was dismissed vide order dated 18.09.2012. In the result, the permanent committee appointed respondent No.8, whose name was on top in the select list. This time, the appellant challenged the appointment of respondent No.8 in WP(C) No. 49/2017, which the learned Single Judge has dismissed by the impugned order.

3. According to the appellant, the whole process of selection and nomination by the District Registrar is illegal and, therefore, the appointment of respondent No.8 deserves to be quashed. Admittedly, the appellant had participated in the selection process and he was satisfied with the same when his appointment was made by the permanent committee. Now when his appointment has been set aside by the High Court and respondent No.8, whose name was on top in the select list, has been appointed by the permanent committee, he cannot turn around and challenge the selection process. The record reveals that the appellant secured much less marks than respondent No.8. Apparently, the permanent committee realized its mistake and appointed respondent No.8, who has been found to be more meritorious and deserving. It is not the case of appellant that respondent No.8 is not qualified for being appointed as Moslem Registrar.

4. For these reasons, we find no merit in the appeal. It is accordingly dismissed, but without any cost.

JUDGE

CHIEF JUSTICE

skd