

GAHC010132502022



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

Case No. : WP(C)/4552/2022

JACKIE RABHA
S/O- SRI DHAJENDRA RABHA, R/O- VILL.- CHAMAGURI, P.O. KALYANPUR,
P.S. AGIA, DIST. GOALPARA, ASSAM, PIN- 783101.

VERSUS

THE PRINCIPAL SECRETARY TO THE GOVT OF ASSAM AND 5 ORS
ASSAM ACCORD IMPLEMENTATION DEPARTMENT, DISPUR, GUWAHATI-
781006.

2:THE ADDL. CHIEF SECRETARY TO THE GOVT. OF ASSAM
PERSONNEL (B) DEPARTMENT
DISPUR
GUWAHATI-781006.

3:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
PUBLIC HEALTH ENGINEERING DEPARTMENT
DISPUR
GUWAHATI-06.

4:THE CHIEF ENGINEER (PHE) WATER
ASSAM
HENGRABARI
GUWAHATI-36.

5:THE EXECUTIVE ENGINEER (PHE)
GOALPARA DIVISION
GOALPARA
DIST. GOALPARA
ASSAM

6:THE DEPUTY COMMISSIONER
GOALPARA

P.O. AND DIST. GOALPARA
ASSA

Advocate for the Petitioner : MD B ISLAM

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

Date : 18-07-2022

Heard Mr. B Islam, learned counsel for the petitioner, who submits that the petitioner is the cousin of the deceased Gajendra Bijoy Rabha, who participated in the Assam Movement. As such, the petitioner is entitled to be given preferential appointment in terms of the Assam Public Services (Preferential Appointment) Rules, 1999 (hereinafter referred to as the "1999 Rules").

Ms. MD Borah, learned Government Advocate submits that the petitioner cannot be considered for preferential appointment, in view of the fact that a cousin does not come within the definition of "Member of Family", as provided in Rule 2(d) of the 1999 Rules.

Mr. D Gogoi, learned counsel appears for the PHC Department.

The 1999 Rules provides for preferential appointment only to certain categories of family members and the said category is provided in Rule 2 (d) of the 1999 Rules. Rule 2 (d) of the 1999 Rules defines "Member of Family" to mean a son or daughter of the spouse or a brother or sister of a martyr or a physically disabled person. A cousin cannot be included within the definition of member of family. Thus, the petitioner cannot be considered for appointment in

terms of the 1999 Rules.

The writ petition is accordingly dismissed.

JUDGE

Comparing Assistant