
(1997) 08 GAU CK 0007
In the Gauhati High Court
Case No : Civil Rule (PIL) No. 44 of 1997

Shyama Singh	Vs	APPELLANT
State of Assam		RESPONDENT

Date of Decision : 11-08-1997

Acts Referred:

Constitution of India, 1950 — Article 226, 226

Citation : (1997) 2 GLJ 446

Hon'ble Judges : M.Ramakrishna, J and W.A.Shishak, J

Bench : Division Bench

Advocate : M.Singh, S.S.Dey, H.K.Das, Advocates appearing for Parties

Judgement

M. Ramakrishna, C.J.—In this petition under Article 226 of the Constitution of India, stating it to be a petition to be treated as public interest litigation, the petitioner has sought for quashing the notification dated 11th June. 1997. issued by the Secretary to the Govt of Assam. Municipal Administration Department (as at Annexure 2 to the petition) for the reasons set out in the writ petition.

2. The writ petitioner is one Smti Shyama Singh, President, Assom Mohila Parishad. Hailakandi District Committee. PO and District Hailakandi.. She has sought for the following prayer :

"In the premises... issue ... a writ in the nature of Mandamuscommanding the respondents to cancel the impugned notification dated 11.6.97 or forbear from giving effect to it and restoring the notification dated 30.9.96 and taking further action for making Hailakandi Municipality a seat for Woman Chairperson..."

3. The office has put up the following objection :

"PUC is a PIL petition filed by Smti Shyama Singh, President, Manila Parishad, Hailakandi District Committee, District Hailakandi.

She has stated that Hailakandi Municipal Election was held on 16.6.97 and 10 Commissioners were elected. Prior to election, the State Govt had issued a

notification wherein the Municipalities and Town Committees were named which were to have Scheduled Caste/Tribe and Women Chairperson. According to this notification, Hailakandi Municipal Board was to have women Chairperson.

Subsequently it is alleged that the Govt arbitrarily modified the aforesaid notification and notified only Lala Town Committee in Hailakandi District to be reserved for women (General).

This is a complaint against Govt/Local Body and is not covered by the guidelines of the Hon"ble Supreme Court at Flag "A".

This may be laid before the Hon"ble Chief Justice for favour of his Lordship"s orders."

4. We have heard learned counsel for the petitioner in regard to the office objection and he has taken us through the grounds of the writ petition as well as Annexure 1 and 2, including the enclosed documents. He has pointed out that since a Division Bench of this Court by an order made on 16th July, 1977, having admitted the writ petition in Civil Rule (PIL) No.37 of 1977 and granted interim relief, therefore, following the same procedure this petition may also be admitted and interim stay granted.

5. We have perused the order made by the Division Bench (comprising of Hon"ble the Chief Justice and Hon"ble Mr. Justice PC Phukan) on 16th July, 1977. It is seen therefrom that is a petition seeking for quashing the notification issued by the Govt of Assam on 11th June, 1977 under the provisions of section 33 (1) of the Assam Municipal (Amendment) Act, 1974 and also the failure to apply the provisions of Articles 15 and 16 of the Constitution for the purpose of providing reservation in respect of Scheduled Castes and Scheduled Tribes in accordance with the statute. Whereas in the instant case the cause of action is not based upon that provision of the law. On the other hand, it is a claim made by a woman seeking to become the Chairperson in respect of Hailakandi Municipal Board. Therefore, there is no justification for admitting the writ petition.

6. The writ petition stands dismissed.