

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.468 of 2023

Sri Prasenjit Roy Nama

..... Petitioner(s).

Versus

Union of India and others

..... Respondent(s).

WP(C) No.469 of 2023

Sri Palash Debnath

..... Petitioner(s).

Versus

Union of India and others

..... Respondent(s).

WP(C) No.470 of 2023

Sri Budhadeb Majumder

..... Petitioner(s).

Versus

Union of India and others

..... Respondent(s).

For Petitioner(s) : Mr. M. Debnath, Advocate.

For Respondent(s) : Mr. B. Majumder, Deputy SGI.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

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02/08/2023

Let WP(C) No.468 of 2023, WP(C) No.469 of 2023 and WP(C) No.470 of 2023 are being heard together and is being decided by this common order as all the writ petitions raise same grievances.

[2] Heard learned counsel for the parties.

[3] Petitioners in all these writ petitions have participated in a recruitment exercise for appointment to the post of Constables (General Duty) under an advertisement dated 17.07.2021. All the petitioners claim to

have been shown provisionally selected in the results published on 07.11.2022. However, these petitioners have been asked to appear with specific documents for verification on 13.12.2022, as there was an apparent mismatch in the Left Thumb Impression (LTI) during the biometrics verification in Physical Standard Test (PST)/ Physical Efficiency Test (PET) event. As per the communication dated 07.11.2022 at Annexure-1 to WP(C) No.468 of 2023 at para-12, there are three categories of select list of male and female candidates who are provisionally selected for appointment to various Central Armed Police Forces (CAPFs) on the basis of the examination held in 2021. Out of these three categories, List-3 belongs to those 849 candidates (female-97 and male-752) whose results have been kept withheld. These petitioners herein belong to this List-3 category who have been called with their relevant credentials & documents, such as all original Educational Qualification Certificate, Identity proof-photo bearing Driving License, Voter Card, Identity card issued by University/ College etc., 2(two) copies of recent passport size photographs and 2(two) ball pen to appear on 13.12.2022 at the DIGP (RRC), Group Centre, CRPF, Guwahati.

[4] Petitioners are aggrieved to approach this Court under Article 226 of the Constitution of India as even after appearance of the petitioners with credentials for verification of their credentials on 13th December, 2022, their results have not been published, and they have not offered an appointment. As such, petitioners seek a direction upon the respondents to conclude the recruitment process in their case, declare their final results and also offer them appointment letters.

[5] Mr. B. Majumder, learned Deputy SGI appearing for the respondents, has at the outset submitted that petitioners do not have an

enforceable legal right to seek a direction upon the respondents to declare their results finally and offer them appointment. The process of verification is a long-drawn process, and all these candidates belonging to the List-3 category are those in whose cases there were certain discrepancies, such as mismatch in the LTI during the biometrics verification in PST/ PET event and have been kept in suspected list. The employer cannot be forced to offer an appointment till it is satisfied with the credentials of the candidates. The comparative merit list of such candidates in the final list has to be followed. Therefore, the writ petitions are not maintainable.

[6] I have considered the submissions of the learned counsel for the parties and taken note of the relevant pleadings & documents enclosed to the respective writ petitions. The grievances of the writ petitioners are common and one. It can only be observed at this stage that mere participation in a recruitment exercise does not create an enforceable legal right to seek appointment. It is the domain of the employer to fill-up the posts upon a recruitment test and issue appointment letters to the selected candidates as per the merit list following the principles enshrined under Article 14 and 16 of the Constitution of India. In the present cases, the credentials of the petitioners appear to be under verification because of a mismatch in their LTI during biometric verification in PST/PET event and have been kept in suspected list. As such, no vested right has been created for seeking a direction upon the respondents to conclude the recruitment exercise within a timeframe, nor any statutory provision has been shown which mandates the conclusion of such a recruitment exercise within a timeframe. The respondent organizations such as Central Armed Police Forces (CAPFs) conduct such recruitment exercise wherein a whole lot of candidates participate and the

process of finalization of list, verification of credentials, do take time. However, these are issues and within the domain of the employer. Since no legally enforceable right is created in favour of the petitioners at this stage, the prayer made by the writ petitioners for directing them to appoint the petitioners as Constables (GD) cannot be granted under Article 226 of the Constitution of India.

[7] As such, this Court does not find any merit in the writ petitions. Accordingly, writ petitions are dismissed. However, petitioners are at liberty to pursue that matter with the respondent authorities.

Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH), CJ