

GAHC010028192023



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

Case No. : WP(C)/757/2023

RATUL KALITA AND ANR
SON OF TARENI KALITA,
RESIDENT OF VILLAGE- KATAKIA,
POLICE STATION- GHOGRAPAR,
POST OFFICE- GHOGRAPAR,
DISTRICT- NALBARI, ASSAM.
PIN- 781369.

2: PANKAJ DUTTA CHOUDHURY
SON OF LATE JOGESH CH. CHOUDHURY

RESIDENT OF VILLAGE- BILPAR

POLICE STATION- GHOGRAPAR

POST OFFICE- GHOGRAPAR

DISTRICT- NALBARI
ASSAM.
PIN- 781369

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
HOME DEPARTMENT, DISPUR,
GUWAHATI- 781006.

2: THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
FOREST AND ENVIRONMENT DEPARTMENT
DISPUR
GUWAHATI- 781006.

3:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST AND HEAD OF
FOREST FORCE
ARANYA BHAWAN

PANJABARI.

4:THE STATE LEVEL POLICE RECRUITMENT BOARD
ASSAM
REHABARI
GUWAHATI- 781008

REPRESENTED BY ITS CHAIRMAN.
GROUND FLOOR
ASSAM POLICE HOUSING CORPORATION.

5:THE CHAIRMAN
STATE LEVEL POLICE RECRUITMENT BOARD
ASSAM
GROUND FLOOR
ASSAM POLICE HOUSING CORPORATION

REHABARI
GUWAHATI- 781008

Advocate for the Petitioner : A N HUSSAIN

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 10-02-2023

Heard Mr. S. Banik, learned counsel appearing for the writ petitioners.

The petitioners herein had earlier applied for appointment in the posts of Forest Guard in terms of the advertisement notice dated 22-12-2016 issued by the Forest Department, Assam. However, the recruitment process did not go ahead. Subsequently, a

fresh advertisement notice was issued on 24-05-2020 whereby it was provided that the candidates who had applied earlier in terms of the advertisement notice dated 22-12-2016 need not apply afresh. Even on this occasion the recruitment process did not materialize. Thereafter, the post of Forest Guards have again been advertised for the third time by issuing notice dated 21-01-2023, whereby the authorities are seeking to fill up 1226 posts of Forest Guard.

Mr. Banik submits that as per advertisement notice dated 22-12-2016 and 24-05-2020 the candidates who had applied earlier need not apply afresh. However, in the meantime the petitioners have crossed the age limit for participating in the process of recruitment. According to Mr. Banik, office memorandum dated 04-01-1992 issued by the Secretary to the Govt. of Assam, Personnel (B) Department permits relaxation of age for employment in Govt. service up to 45 years. Since both the petitioners are yet to attain the age of 45 years, they had submitted applications before the respondent 2 and 3 for relaxation of their age. However, no order has been passed in the said applications till date. Hence, this writ petition. It is also the submission of Mr. Banik that the date of the written test has not yet been notified.

Mr. R.R. Gogoi, learned standing counsel, Forest Department, Assam submits that if an order is passed by this Court, their applications for relaxation will be considered in accordance with law.

I find from the record that the petitioner No. 1 had submitted a representation seeking age relaxation which was received by the authorities on 30-01-2023. Likewise, the petitioner No. 2 had also submitted an application seeking age relaxation which was

received by the authorities on 31-01-2023, which was followed up by another application submitted on 01-02-2023. However, it is the admitted position of fact that no order has been passed by the authorities on such applications. Whether the age of the petitioners deserve to be relaxed and if so, to what extent, are matters for the authorities to decide in accordance with the provisions of the rule. However, once the aspiring candidates have submitted such applications and the rules provide for consideration of the same, the respondent authorities cannot sit over the matter so as to frustrate the prayer of the petitioners.

In view of the above, I dispose of this writ petition with a direction upon the respondent Nos. 2 and 3 to take urgent steps for disposal of the applications filed by the petitioners by a speaking order on or before the date fixed for conducting the written examination for filling up the post of Forest Guard as per the advertisement notice dated 21-01-2023.

Mr. C.S. Hazarika, learned Govt. Advocate, Assam is present on behalf of the respondent Nos. 1, 4 and 5.

Writ petition stands disposed of

JUDGE

GS

Comparing Assistant