

GAHC010055162017



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

Case No. : WP(C)/7573/2017

JAKIR HUSSAIN
S/O- AMJAD HUSSAIN R/O- WARD NO.14, BALURCHAR P.O. and P.S.-
DHUBRI, DIST- DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM and 3 ORS.
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM,
DISPUR, GHY-6

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
SOCIAL WELFARE DEPTT.
DISPUR
GHY-6

3:THE DIRECTOR OF SOCIAL WELFARE
ASSAM
UZANBAZAR
GHY-1

4:DISTRICT SOCIAL WELFARE OFFICER
P.O. and DIST- DHUBRI
ASSAM
PIN-783301

5:DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GHY- 19.

6:DISTRICT ELEMENTARY EDUCATION OFFICER

DHUBRI
ASSAM
PIN- 783301

Advocate for the Petitioner : MR.B HUSSAIN

Advocate for the Respondent : MR. A. PHUKAN, SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

14.06.2023

Heard Shri B. Hussain, learned counsel for the petitioner. Also heard Shri P.K. Borah, learned counsel for the Elementary Education Department who submits that the respondent nos. 5 & 6 were subsequently impleaded.

Considering the subject matter and the fact that this writ petition is pending since the year 2017, the same is taken up for disposal at the admission stage.

The facts projected is that a recruitment process was initiated in the year 2005 vide an advertisement dated 09.06.2005 for filling up 662 Nos. of posts as backlog vacancy in the State for physically disable persons which was to be conducted in each district. It is submitted that the petitioner who falls within that category was selected in the District Level as well as in the State Level and 528 appointments were made but the petitioner was not appointed. It is submitted that there were enquiries by the Government on certain anomalies. It is further submitted that in the year 2011, some of the candidates had filed writ petitions in this Court which were disposed of in their favour.

This present writ petition has thereafter been filed in the year 2017. The

learned counsel for the petitioner has submitted that this Court while issuing notice vide order dated 08.12.2017 had directed that one post of M.E. School Teacher in the district of Dhubri earmarked for visually impaired physically disabled person be kept vacant.

Shri Borah, the learned counsel for the Department however submits that the recruitment was initiated in the year 2005 and after 12 long years the present writ petition has been filed. He further submits that the select list has spent its force in the meantime and therefore, no relief can be granted.

After hearing the parties, this Court has noted that cause of action, if any, had arisen immediately after the recruitment process when the petitioner was deprived of the appointment as claimed by him. Though certain persons had approached this Court in the year 2011, it appears that the petitioner was sitting on the fence and the instant writ petition has been filed after 12 years of the said recruitment process.

This Court finds force in the contention made on behalf of the Department that a select list pertaining to a recruitment process initiated in the year 2005 cannot be directed to be acted upon after about 18 years. This Court being a Court of equity cannot lose sight of the aspects of examining the conduct of the petitioner which is of immense importance.

In that view of the matter, writ petition stands dismissed.

Interim order passed earlier stands vacated.

JUDGE

Comparing Assistant