

GAHC010055392023



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

**Case No. : WP(C)/1500/2023**

DHIRAJ CHETRY  
S/O KHARGA BAHADUR CHETRY, VILL-CHITKAGAON HIRAPARA, P.O.-  
CHAPRAKATA, P.S.-BONGAIGAON, DIST-BONGAIGAON (ASSAM), PIN-  
783380

VERSUS

THE UNION OF INDIA AND 7 ORS  
REPRESENTED BY THE SECRETARY OF THE MINISTRY OF HOME AFFAIRS,  
GOVT. OF INDIA, NEW DELHI, 1

2:THE STAFF SELECTION COMMISSION  
REPRESENTED BY THE CHAIRMAN  
BLOCK NO. 12 CGO COMPLEX  
LODHI ROAD  
NEW DELHI  
03

3:THE REGIONAL DIRECTOR  
STAFF SELECTION COMMISSION  
GUWAHATI  
ASSAM  
HOUSE FED COMPLEX  
DISPUR  
GHY-6

4:THE DIRECTOR GENERAL  
BORDER SECURITY FORCE  
BLOCK NO. 10  
CGO COMPLEX  
LODHI ROAD  
NEW DELHI

03

5:THE DIRECTOR GENERAL  
SASHASTRA SEEMA BALL  
5-6  
VIVEKANANDA MARG  
EAST BLOCK  
R.K. PURAM  
NEW DELHI  
22

6:THE DIRECTOR GENERAL  
CENTRAL RESERVE POLICE FORCE (RECRUITMENT)  
EAST BLOCK-07  
LEVEL-4  
SECTOR-01  
R.K. PURAM  
NEW DELHI  
66

7:THE DIRECTOR GENERAL  
INDO TIBETAN BORDER POLICE  
BLOCK NO. IV  
CGO COMPLEX  
LODHI ROAD  
NEW DELHI  
03

8:THE DIRECTOR GENERAL  
CENTRAL INDUSTRIAL SECURITY FORCE  
BLOCK NO. 13  
CGO COMPLEX  
LODHI ROAD  
NEW DELHI  
0

**Advocate for the Petitioner : MR. R MAZUMDAR**

**Advocate for the Respondent : DY.S.G.I.**

**BEFORE  
HONOURABLE MR. JUSTICE SUMAN SHYAM**

**ORDER**

**Date : 12-06-2023**

Heard Mr. H. R. Ahmed, learned counsel for the writ petitioner. Also heard Mr. S.S. Roy, learned CGC, appearing for the respondents.

The petitioner herein belongs to the OBC category. In response to the advertisement notice dated 21-07-2018 for recruitment in the post of Constable (General Duty) in the Central Armed Police Forces (CAPFs), the petitioner had submitted his candidature and had also participated in the selection process. However, on conclusion of the process, the petitioner was not selected. The basis for not doing so is on account of the fact that the marks obtained by the petitioner was considered along with the other candidates belong to the OBC category and it was observed that since the petitioner had availed the relaxation for chest and height measurement prescribed for the candidates coming from Assam, he could not be considered along with the general category candidates. However, the fact remains that the petitioner had scored more marks than some of the general category candidates, who were ultimately selected and appointed by the authorities.

Similarly situated petitioners had earlier approached this Court by filing W.P.(C) 3764/2021 raising a similar grievance. After taking note of the facts of the case as well as the law laid down by the Delhi High Court in ***Hemant Pokhriyal Vs. Staff Selection Commission & Ors. [WP(C) 4982/2021 decided on 01-10-2021]*** and also the decision rendered in the case of ***Arpan Chowdhury Vs. UoI & Ors.*** rendered by the Tripura High Court in connection with ***W.P.(C) 117/2021***, the learned Single Judge was of the opinion that the petitioners were entitled to receive orders of appointment.

Accordingly, the writ petition was disposed of with a direction upon the respondents to accommodate the petitioner in any of the CAPFs, within a period of three months from the date of receipt of certified copy of the order.

By referring to the order dated 11-08-2022 passed by the learned Single Judge in W.P.(C) 3764/2021, Mr. Ahmed submits that this is a covered case and, therefore, be disposed of with a similar direction.

Mr. S.S. Roy, learned CGC, in his usual fairness, has conceded that the petitioner's case would be covered by the previous decision of this Court but submits that since in the meantime, all the vacant posts of Constable (GD) in the CAPFs coming under the advertisement notice dated 21-07-2018 have already been filled up, the petitioner may be accommodated in any other Armed Police Force.

Mr. Ahmed, learned counsel for the petitioner submits that his client would have no objection if such a recourse is taken as long as he is issued the order of appointment without further delay.

Taking note of the submission advanced by learned counsel for both the sides, this writ petition is hereby disposed of by providing that the respondents may issue orders of appointment to the petitioner appointing him as Constable (GD) in any of the division of the Central Armed Police Forces, as expeditiously as possible, preferably within 6 (six) months from the date of receipt of a certified copy of this order.

With the above observations, the writ petition stands disposed of.

**JUDGE**

GS

**Comparing Assistant**