

GAHC010077422021



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

Case No. : WP(C)/2871/2021

BABLU DAS AND 32 ORS
S/O BOLEN DAS, RESIDENT OF VILLAGE SIMLA, PO BETBARI, PS SIMLA,
DIST BAKSA, ASSAM

2: SRI NITUJITA DAS
SON OF PRATAP DAS
RESIDENT OF VILL TAKURAKUCHI

P.O AND P.S. SIMLA
DISTRICT BAKSA
ASSAM.

3: HIRAMAN CHAUHAN
SON OF RAM BHAVAN CHOUHAN
RESIDENT OF VILL-KALAMSINGHTISSO
P.O. TISSO GEON
P.S.-
BAKALIA
DISTRICT KARBI ANGLONG
ASSAM

4: RAMEN ROY
SON OF MAHADEV ROY
RESIDENT OF HATHINAPUR
P.O. BANGAON
P.S.- SARTHEBARI
DISTRICT BARPETA

ASSAM.

5: BHAGABAN SARANIA
SON OF MAHANANDA SARANIA
RESIDENT OF VILL-AMEHALI (BADULIPARA)
P.O.- AMEHALI

P.S.- PATACHARKUCHI
DISTRICT- BAKSA
ASSAM

6: SRI. MITHUN GAYARI
SON OF SUDHA RAM GAYARI
RESIDENT OF VILL-
ANCHALI
P.O.-ANCHALI
P.S.-SIMLA
DISTRICT-
BAKSA
ASSAM

7: SRI. LAKSHYAJIT BORAH
SON OF BASANTA KR. BORAH
RESIDENT OF VILL- NIZBIHAGURI
P.O.- BIHAGURI
DISTRICT- SONITPUR

ASSAM.

8: SRI. NAYAN TALUKDAR
SON OF BIJU TALUKDAR
RESIDENT OF VILL- TAKURAKUCHI
P.O. AND P.S.- SIMLA
DISTRICT-
BAKSA
ASSAM

9: SMT. MAUSUMI BARO
DAUGHTER OF LATE BAGADHAR BARO
RESIDENT OF
VILL- NATUNSRIOUR
P.O.- PAMUAPATHER
P.S-
MUSHALPUR
DISTRICT- BAKSA
ASSAM

10: SRI BHASKARJYOTI PATHAK
SON OF LABA PATHAK
RESIDENT OF VILL- SAN PANBARI
P.O.- CHOUMAGATI
P.S. SALBARI

DISTRICT - BAKSA
ASSAM

11: SRI. HIRAMANI SARANIA
SON OF KANAK SARANIA
RESIDENT OF VILL-ANCHALL
P.O.- ANCHALI
P.S.- SIMLA
DISTRICT
BAKSA
ASSAM

12: SRI. HARKUMAR NATH
SON OF NIBARAN NATH
RESIDENT OF VILL-CHUNBARI

GOVARDHANA
P.O.- KALPANI BAZAR
P.S.- GOVARDHANA DISTRICT- BAKSA
ASSAM.

13: SRI. BESON SWARGIARY
SON OF ANANDA SWAIGARY
RESIDENT OF VILL- BHALUKDONGA
P.O.-MEDAGHAT

P.S.-BARMA
DISTRICT- BAKSA
ASSAM

14: SRI. MINTURAJ DAS
SON OF BIREN DAS
RESIDENT OF VILL- KUJIDEOR
P.O. AND P.S. - SIMLA
DISTRICT- BAKSA
ASSAM.

15: SRI. JAGADISH DAS
SON OF ARUN DAS
RESIDENT OF VILL- NIZALDAH
P.O. BANGAON
P.S.- SARTHEBARI
DISTRICT-
BARPETA
ASSAM

16: SRI. MUKESH KUMAR SHAH
SON OF SIKANDAR SHAH
RESIDENT OF VILL- BORGHOP
P.O.- BANDARMARI

DISTRICT- SONITPUR

ASSAM.

17: SRI. SUMAN SIKDAR
DAUGHTER OF GANESH SIKDAR
RESIDENT OF VILL-
RAGHOBIL
P.O.- BARENGBARI
P.S.- GOBARDHANA

DISTRICT- BAKSA
ASSAM.

18: SRI. AJANTA SWARIGARY
SON OF BALI SWARGLARY
RESIDENT OF VIII- ARALILOGA
P.O.- GAMANI
DISTRICT. SONITPUR

ASSAM.

19: SRI KAMAL MUCHAHARI
SON OF INDRESWAR MUCHAHARI
RESIDENT OF VILL- ARALILOGA
DISTRICT- SONITPUR
ASSAM.

20: GOLAP DAS
SON OF TARUN DAS
RESIDENT OF VILL- PERAGAON
P.O.-
SULIAKATA
P.S.- SORBHOG
DISTRICT- BARPETA

ASSAM.

21: SMTI. BANDANA TERONPI
DAUGHTER OF CHATRASING TERON
RESIDENT OF VILL- CHAMGAON
P.O.- DAKHINCHANG CHAKI
P.S.-KAMPUR
DISTRICT- NAGAON
ASSAM

22: SMTI. MOMEE BORAH
DAUGHTER OF HEMA KANTA SONOWAL

RESIDENT OF VILL- AHOMPATHER
P.O.- DEHINGTHAN
P.S.- DEMOW
DISTRICT- SIBSAGAR
ASSAM

23: SRI. LUHIT PEGU
SON OF DHANBIR PEGU
RESIDENT OF VILL- PATROCHUK GAON
P.O. AND P.S- BEGENAGARA
DISTRICT-
DHEMAJI
ASSAM.

24: SRI. KHAGESWAR MISSONG
SON OF BIMAL MISSONG
RESIDENT OF VILL-
KAITONG MISSONG
P.O.- KAITONG
DISTRICT-
DHEMAJI
ASSAM

25: SRI. UJJAL CHIRING
SON OF DEVA KANTA CHIRING
RESIDENT OF VILLAGE DHENUKHANA
P.O. BATAMARL
P.S.- GHILAMARA

DISTRICT- LAKHIMPUR
ASSAM.

26: SRI. JITENDRA THAKUR
SON OF HRIDAYA THAKUR
RESIDENT OF VILL- MILAN
NAGAR
P.O. AND P.S.- GHILAMARA
DISTRICT-
LAKHIMPUR
ASSAM.

27: SRI. DIGANTA NATH
SON OF BABUL NATH
RESIDENT OF VILL- MILANPUR

P.O. BHIMPARA BALIJAN
P.S.- BOGINAOI
DISTRICT-

LAKHIMPUR
ASSAM.

28: SRI. PINKU SINHA
SON OF LAL MOHAN SINHA
RESIDENT OF VILL- AMARKHAL
P.O.- CHOTOMATI
DISTRICT-GOALPARA

ASSAM.

29: SADU CHOUHAN
SON OF LATE MAHANLAL CHOUHAN
VILL-DISTRICT- CHIRANG
ASSAM.

30: RINIKHA NARZARY
S/O- KANDRA NARZARY
VILL- NEW BETBARI
P.O.- BETBARI
P.S.-SIMLA
DISTRICT-BAKSA
ASSAM.

31: RUPAM DOWARAH
S/O- BHUPEN DOWARAH
VILL- NABAKATHARBARI
P.O. AND
P.S.-DHAKUAKHANA
DISTRICT-
LAKHIMPUR
ASSAM

32: PRASHANTA KONWAR
S/O- PUNESWAR KONWAR
VILL- NABAKATHARBARI
P.O.AND P.S.-DHAKUAKHANA
DISTRICT-LAKHIMPUR

ASSAM.

33: RIMA BORO
D/O-PURAN BORO
VILL- MEGHAI JARANI
P.S.SHELAMARA
DIST SONITPUR
ASSA

VERSUS

THE UNION OF INDIA AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF INDIA, MINISTRY OF HOME AFFAIRS, NEW DELHI 110001

2:THE STAFF SELECTION COMMISSION

REPRESENTED BY THE CHAIRMAN/SECRETARY STAFF SELECTION
COMMISSION
BLOCK 12
CGO COMPLEX
LODHI ROAD
NEW DELHI 110003

3:THE REGIONAL DIRECTOR

STAFF SELECTION COMMISSION
RUKMINI NAGAR
ASSAM SACHIVALAYA
DISPUR
GUWAHATI 0

Advocate for the Petitioner : MR F A LASKAR

Advocate for the Respondent : ASSTT.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 21/04/2023

Heard Mr. R. Mazumdar, learned counsel for the writ petitioners. Also heard Mr. P.S. Lahkar, learned CGC, appearing for the respondents.

The petitioners herein are reserved category candidates. 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 petitioners had submitted their applications and had also participated in the selection process. However, on conclusion of the process, the petitioners were not selected. The basis

for not doing so is on account of the fact that the marks obtained by the petitioners were considered along with the other candidates belonging to the reserved category and it was observed that since the petitioners have already availed relaxation for chest and height measurement prescribed for the candidates coming from Assam, they could not be considered along with the general category candidates. However, the fact remains that according to them, the petitioners had scored more marks than some of the general category candidates, who were ultimately selected and appointed by the authorities.

Similarly situated candidates 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. According, the writ petition was disposed of with a direction upon the respondents to accommodate those petitioners 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. Mazumdar submits that this is a covered case and, therefore, be disposed of with a similar direction.

Mr. P.S. Lahkar, learned CGC, in his usual fairness, has conceded that the case of some of the petitioners 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 petitioners may be accommodated in any other Armed Police Force. Mr. Lahkar submits that as per the departmental records, only the petitioner nos. 1, 2, 5, 6 and 19 will be eligible for such consideration as the other petitioners fall in a different category. The said submission of the learned CGC has also been duly supported by Mr. Mazumdar,

learned counsel for the petitioners, who submits that he would have no objection, if a direction is issued to consider the cases of the petitioner nos. 1, 2, 5, 6 and 19 only for appointment.

Taking note of the submissions 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 nos. 1, 2, 5, 6 & 19 appointing them 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.

JUDGE

sukhamay

Comparing Assistant