

GAHC010085592023



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

**Case No. : WP(C)/2243/2023**

BEAUTY LASKAR  
D/O- MARTYR BIDYADHAR LASKAR @ BIDYA LASKAR, R/O- VILL.-  
DAKHIN HAIBARGAON, P.O. AND P.S. HAIBARGAON, DIST. NAGAON,  
ASSAM, PIN- 782002.

VERSUS

THE STATE OF ASSAM AND 6 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE ASSAM,  
HOME DEPARTMENT, DISPUR, GHY-06.

2:THE STATE OF ASSAM  
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM  
HOME AND POLITICAL DEPARTMENT  
DISPUR  
GUWAHATI-781006.

3:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM  
PERSONNEL (B) DEPARTMENT  
DISPUR  
GUWAHATI-06.

4:THE CHAIRMAN

STATE LEVEL POLICE RECRUITMENT BOARD  
ASSAM  
RIHABARI  
GUWAHATI-08.

5:THE DEPUTY COMMISSIONER  
NAGAON  
P.O. AND DIST. NAGAON

ASSAM

6:THE STATE LEVEL RECRUITMENT COMMISSION FOR GRADE-IV POSTS

ASSAM ADMINISTRATIVE STAFF COLLEGE  
JAWAHAR NAGAR  
KHANAPARA  
GUWAHATI-22.

7:THE DIRECTOR GENERAL OF POLICE  
ASSAM  
ULUBARI  
GUWAHATI-7

**Advocate for the Petitioner** : MD B ISLAM

**Advocate for the Respondent** : GA, ASSAM

**BEFORE**  
**HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

**ORDER**

**09.08.2023**

Heard Mr. B. Islam, learned counsel for the petitioner and Mr. T.C. Chutia, learned Addl. Sr. Government Advocate for the State.

**2.** This writ petition has been filed by the petitioner who had applied in response to the advertisement dated 31.12.2022 issued by the Chairman, State Level Police Recruitment Board calling for recruitment to several posts under different categories. The petitioner applied for the post of Attendant/Grass Cutter/Syce in that order of preference. The petitioner belongs to the OBC category and she submitted her application in response to the said advertisement. The application was duly accepted and she was allotted a recruitment ID. The learned counsel for the petitioner submits that the petitioner appeared for the Physical Standard Test (PST) or the trade proficiency test. However, she was presented with a rejection slip wherein the

remarks is was mentioned that the rejection was made on the ground that the petitioner was over aged. According to the learned counsel for the petitioner the date of birth of the petitioner was 31.12.1979 and as such she was 42 years at the time of submitting her application. The selection process was held on. 01.04.2023 and as on that date she was about 42 years. The learned counsel for the petitioner submits that in terms of the Government Notification for the category of OBC, the upper age limit is fixed at 43 years and as such, she was wrongly rejected as over aged.

**3.** Mr. TC Chutia, learned Addl. Senior Government Advocate appearing for the State respondents on instructions received Mr. Chutia submits that the department has accepted that the candidature of the petitioner was rejected on the ground of oversight as in terms of the Office Memorandum, upper age relaxation in the category of OBC is up to 42 years. However, the petitioner did not approach the authority in time bringing to the notice that rejection of the petitioner was wrongly done and in contravention with the conditions of the advertisement.

**4.** The learned counsel for the parties have been heard. Pleadings are carefully perused. The instructions received by Mr. Chutia placed before this Court have also been carefully perused.

**5.** From a Perusal of the advertisement, it is revealed that at Clause II (Eligibility criteria) that the age relaxation prescribed for OBC is 3 years in respect of the candidates. The Government of Assam by the relevant Notification or OM brought out by the Department of Personnel has relaxed the age for candidates in respect of any State Government services belonging to the category of OBC and MOBC upto two years from 41 as was earlier notified. The advertisement reflects that age relaxation in respect of candidates belonging to

OBC and MOBC is for three years. The petitioner on the date of selection procedure was within the age limit prescribed read with the relaxations. Under such circumstances, the rejection of the petitioner will have to be held to be in conflict with the provisions of the advertisement brought out by the Police Recruitment Board.

**6.** That apart Mr. Chutia on the basis of instructions received submits that during the scrutiny of the documents the concerned officers might have rejected her candidature as over aged due to oversight.

**7.** In that view of the matter, the Chairman, State Level Police Recruitment Board namely, the respondent No. 4, will now re-consider the claim of the petitioner in respect of her candidature which she has offered in connection with the advertisement.

**8.** In that view of the matter, the writ petition stands closed with the above direction. The petitioner will submit a representation along with a certified copy of the order thereupon the authorities will consider the case of the petitioner in the light of the circular issued by the Government of Assam read with the provisions of the conditions in the advertisement and thereupon pass adequate order. The rejection slip issued showing the petitioner's candidature to the rejected on the ground of overaged shall be recalled.

**9.** The representation be submitted within a period of two weeks from the date of receipt of certified copy of the order and the concerned authority will thereafter pass adequate orders on the representation within a period of 60 days from the date of receipt of the representation.

**10.** The writ petition is disposed of in terms of the above.

**JUDGE**

**Comparing Assistant**