

GAHC010106572023



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

Case No. : WP(C)/2813/2023

BIKASH PATOR AND ANR
S/O- SRI NARESWAR PATOR, R/O- VILL.- HABIBARANGABARI, P.S.
MIKIRBHETA, PIN- 782106, DIST. MORIGAON, ASSAM

2: JAKIR HUSSAIN MIA
S/O- LATE MONIR UDDIN MIA
R/O- VILL.- KOYAL T.E.
P.S. LALA
DIST. HAILAKANDI
ASSAM
PIN- 788164

VERSUS

THE UNION OF INDIA AND 6 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

SASHATRA 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.

7:THE DIRECTOR GENERAL
CENTRAL INDUSTRIAL SECURITY FORCE
BLOCK NO. 13 CGO COMPLEX
LODHI ROAD
NEW DELHI-03

Advocate for the Petitioner : MR. R MAZUMDAR

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

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 22-05-2023

Heard Mr. R. Mazumder, learned counsel for the writ petitioners. Also heard Mr. S.S. Roy, learned CGC, appearing for the respondents.

The two 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) No. 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. SSC & Ors. [W.P.(C) No. 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) No. 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 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) No. 3764/2021, Mr. Mazumder submits that this is a covered case and, therefore, be disposed of with a similar direction.

Mr. Roy, learned CGC, in his usual fairness, has conceded that the case 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.

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 petitioners 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

GS

Comparing Assistant