

GAHC010108342023



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

Case No. : WP(C)/2862/2023

SUJAN SUTRADHAR AND 3 ORS
S/O- SADHAN SUTRADHAR,
R/O- VILLAGE- NATUN GHATUA,
P.O.- FULOGURI, P.S.- RANGAPARA,
DISTRICT- SONITPUR, ASSAM,
PIN- 784504.

2: PRASENJIT MANDAL
S/O- SRI NITAI MANDAL

VILLAGE- JHARNISHPANI

P.O.- JHARNISHPANI
P.S. PANBARI

DISTRICT- CHIRANG
PIN- 783390.

3: ARABINDA KAIBARTA
S/O SRI GOBINDRA KAIBARTA

R/O- VILLAGE- DHANTOLA

P.O.- JARABARI
P.S.- PALASHBARI

PIN- 781122
DISTRICT- KAMRUP(R)

ASSAM.

4: NITAI ROY
S/O- LATE NILAMONI ROY

R/O- VILLAGE- KAIMARI PART-III

P.O.- KAIMARI
P.S.- GULUKGANJ

DISTRICT- DHUBRI
ASSAM

PIN- 783335

VERSUS

THE UNION OF INDIA AND 4 ORS
REPRESENTED BY THE SECRETARY,
MINISTRY OF HOME AFFAIRS,
GOVERNMENT OF INDIA,
NORTH BLOCK, NEW DELHI- 110001.

2:THE DIRECTOR GENERAL
CENTRAL RESERVE POLICE FORCE
BLOCK NO. 1
CGO COMPLEX
LODHI ROAD
NEW DELHI- 110001.

3:THE INSPECTOR GENERAL
NE SECTOR
CRPF
STONY HEAVEN
BISHOP COTTON ROAD
SHILLONG- 793001.

4:THE DEPUTY INSPECTOR GENERAL OF POLICE
GROUP CENTRE
CRPF KHATKHATI
KARBI ANGLONG
PIN- 783480.

5:THE STAFF SELECTION COMMISSION (SSC)
REPRESENTED BY ITS CHAIRMAN

BLOCK 12 CGO COMPLEX

LODHI ROAD
NEW DELHI- 110003

Advocate for the Petitioner : MR G PHUKAN

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

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 24/05/2023

Heard Mr. G. Phukan, learned counsel for the writ petitioners. Also heard Mr. A.K. Dutta, learned CGC appearing for the respondents.

The writ petitioners herein had participated in the recruitment process initiated for appointment of Constable/GD in the Central Armed Police Force (CAPF) in the year 2022. According to the petitioners, they had undergone Physical Standard Test (PST) and the Physical Efficiency Test (PET) and emerged as successful. However, subsequent thereto the petitioners were once again subjected to PST and thereafter, disqualified on the ground that he did not meet the height specification.

Contending that the writ petitioners, who were earlier found to be having the requisite height, could not have been subsequently declared as disqualified on such ground, since the height of the petitioners could not have reduced in a period of less than one year.

Mr. Dutta, learned CGC submits that the decision of the authorities is appealable and therefore, he would have no objection if the writ petition is disposed of with a direction upon the petitioners to prefer appeal before the appellate authority to be disposed of in a time bound manner.

Mr. Phukan submits that he would also have no objection, if such an order is passed.

In view of the above, this writ petition is being disposed of, at the stage of motion hearing, by providing that the petitioners may prefer an appeal before the appellate authority against the rejection of their candidature.

If such appeal is filed within a week from today, the same may be considered on merit and upon due verification of facts based on materials on record, a reasoned order be passed therein, as expeditiously as possible, but not later than 30 days from the date of filing the appeal by enclosing a certified copy of this order.

Until such time, the aforesaid exercise is carried out and completed, 4 (four) posts of Constable/GD in the Central Armed Police Force *qua* the present recruitment drive, be kept vacant.

Writ petition stands disposed of.

JUDGE

sukhamay

Comparing Assistant