

GAHC010114602023



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

Case No. : WP(C)/3064/2023

KESHAB SARMA
S/O LATE SEVAKAR THAKUR, R/O VILL-SHANTI NAGAR (NEPALI BASTI),
P.O.-BALADMARI, P.S.-GOALPARA, DIST-GOALPARA, ASSAM, PIN-783101

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, PUBLIC WORKS DEPARTMENT, DISPUR, GUWAHATI-06

2:THE UNDER SECRETARY TO THE GOVT. OF ASSAM
PUBLIC WORKS ROADS DEPARTMENT (AUDIT BRANCH)
DISPUR
GUWAHATI-781006

3:THE CHIEF ENGINEER
P.W.D. (ROADS)
ASSAM
CHANDMARI
GUWAHATI-781003

4:THE ADDL. CHIEF ENGINEER (P)
PWD (ROADS)
ASSAM
CHANDMARI
GUWAHATI-781003

5:THE EXECUTIVE ENGINEER
PWRD
DUDHNOI AND GOALPARA EAST TERRITORIAL ROAD DIVISION
GOALPARA
P.S. AND DIST-GOALPARA

ASSAM
PIN-783101

6:THE EXECUTIVE ENGINEER
P.W.D.
GOALPARA (RURAL ROAD) DIVISION
P.S. AND DIST-GOALPARA
ASSAM
PIN-783101

7:THE ASSISTANT EXECUTIVE ENGINEER
P.W.D.
GOALPARA (ROADS) SUB-DIVISION
GOALPARA
P.S. AND DIST-GOALPARA
ASSAM
PIN-78310

Advocate for the Petitioner : MR. A CHOUDHURY

Advocate for the Respondent : SC, PWD ROAD

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 31-05-2023

Heard Mr. S. Islam, learned counsel for the writ petitioner. Also heard Mr. P. Nayak, learned standing counsel, PWD appearing on behalf of respondent Nos. 1 to 7.

The writ petitioner herein is seeking a direction upon the authorities to appoint him in any Gr-IV post. The prayer of the petitioner is apparently based on the order dated 09-04-2012 passed in W.P.(C) No. 1746/2012, whereby this Court had passed an order granting liberty to the petitioner to apply for a Gr-IV post, if and when any advertisement is issued and the authorities were also asked to provide due weightage to his past

experience.

Mr. Islam submits that the online application of the petitioner is not being accepted on the ground that he is over-aged. The petitioner's counsel submits that the present age of the petitioner is 52 years.

Mr. Nayak, learned departmental counsel submits that since the year 2012, number of advertisement for filling up the post of Gr-IV have been issued by the PWD as well as the other departments in the Govt. of Assam but the petitioner did not submit application in response to any of those advertisements. He submitted that the upper age limit for appointment in Govt. service is 38 years and the age of the petitioner today is 52 years. Therefore, there is no scope for relaxation of petitioner's upper age at this stage. Mr. Nayak has, therefore, prayed for dismissal of the writ petition.

It is to be noted herein that the direction of the learned Single Judge passed on 09-04-2012 was only to give due weightage to the past experience of the petitioner, if he applies in a Gr-IV post pursuant to any advertisement. There is no direction to appoint the petitioner against any Gr-IV post. If the petitioner is 52 years old, no direction can be issued to the respondent to accept his application since the upper age limit for applying a Govt. job today is 38 years. Moreover the petitioner has approached this Court nearly 11 years after the order dated 09-04-2012 was passed and there is no explanation as to why he did not approach this Court earlier, if he had infact submitted his application for appointment in Gr-IV post pursuant to advertisement notices issued from time to time.

Having regard to the peculiar facts and circumstances of the case as well as the

current age of the petitioner, this Court is of the opinion that there is no scope for granting any relief to the petitioner in this case.

This writ petition is held to be devoid of any merit and the same is accordingly dismissed.

JUDGE

GS

Comparing Assistant