

GAHC010127382023



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

Case No. : WP(C)/3406/2023

LALBIAKSANGA
SON OF SRI F. VANRAMGHAKA,
RESIDENT OF T-36, TUAKE,
DISTRICT- CHAMPAI,
MIZORAM- 796310.

VERSUS

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

2:THE DIRECTOR GENERAL ASSAM RIFLES
HEAD QUARTER DIRECTORATE GENERAL ASSAM RIFLES

SHILLONG
MEGHALAYA
PIN 793010.

3:THE MAJOR/ DEPUTY COMMANDANT
SO-2 (RECRUITMENT) BRANCH

DIRECTORATE GENERAL ASSAM RIFLES

SHILLONG
MEGHALAYA

PIN- 793010.

4:THE PRESIDING OFFICER OF PHYSICAL STANDARD TEST (PST)/
PHYSICAL ELIGIBLE TEST (PET)/FIELD TRIALS

SILCHAR

C/O- NO. 2
MAINTENANCE GROUP ASSAM RIFLES (ASSAM)

NRS- SILCHAR

SILCHAR ASSAM CENTRE
MASIMPUR CACHAR
SILCHAR.

5:THE MEMBER
MASIMPUR CENTRE FOR CONDUCT OF PST/PET
TRADE (SKILL) TEST AND WRITTEN EXAMINATION OF ASSAM RIFLES

TECHNICAL AND TRADESMEN RECRUITMENT RALLY
2023

CACHAR
SILCHAR

Advocate for the Petitioner : MR. M DAS

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

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 16/06/2023

Heard Mr. M. Das, learned counsel for the writ petitioner. Also heard Ms. M.T. Moupoong, learned counsel appearing on behalf of Mr. B. Deka, learned counsel for the respondents.

The petitioner herein, belongs to ST category. He had applied for the post of "Trade-Barber" in response to the advertisement notice dated 15/02/2023 issued by the Assam Rifle Authorities. On receipt of call letter, the petitioner had appeared for the Physical Standard Test (PST) and the Physical Eligibility Test (PET). Having participated in the running test, the petitioner had qualified therein but eventually, he was disqualified on the ground that the petitioner did not fulfill the requirement of height.

Mr. Das submits that as per the advertisement notice, the minimum requirement of height for

candidates belonging to the ST category is 162.5 cms but the petitioner's height is 163 cms. Notwithstanding the same, the respondents have rejected his candidature on an erroneous assessment of the petitioner's height by ignoring the fact that he belongs to ST category candidate. It is also the submission of Mr. Das that the petitioner had preferred an appeal against the said decision but no action has been taken on his appeal till today. Apprehending that on a faulty measurement of his height, the petitioner may be permanently deprived from securing a job under the Assam Rifles, this writ petition has been filed.

Ms. Moupoong, learned counsel appearing for the respondents submits that whether the petitioner's height is 162.5 cm or less, is a matter which would require to be verified factually on the basis of actual measurement. Therefore, since the petitioner has already preferred an appeal before the authorities ventilating his grievance, she would have no objection if the writ petition is disposed of by issuing a direction upon the authorities to consider and dispose of the appeal, in a time bound manner.

At this stage, Mr. Das submits that the petitioner has, in the meantime, got hold of some new documents in support of his case and, therefore, he be permitted to submit a fresh appeal.

Taking note of the stand of learned counsel for both the sides, the petitioner is granted a week's time from today to submit a fresh appeal before the appellate authority.

If such an appeal is filed within a week from today by annexing a certified copy of this order, the same be considered on merit and disposed of within a further period of three weeks, with a reasoned order.

With the above observation, the writ petition stands disposed of.

JUDGE

sukhamay

Comparing Assistant