

GAHC010144822023



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

Case : WP(C)/3897/2023

BIJU KUMAAR GAONKHOWA
S/O- LATE MALESWAR GAONKHOWA
R/O- VILL- KATAHGAON
P.O. SARAGAON
P.S. RAHA
IN THE DISTRICT OF NAGAON
ASSAM
PIN- 782103

VERSUS

THE UNION OF INDIA AND 2 ORS.
REP. BY THE SECRETARY
TO THE MINISTRY OF DEFENCE
SENA BHAWAN
SOUTH BLOCK
NEW DELHI- 110011

2:THE DIRECTOR GENERAL OF ARMY ORDINANCE
CROPS
NEW DELHI- 110011
3:CENTRAL RECRUITMENT CELL
C/O- ARMY ORDINANCE CROPS CENTRE
P.O. TRIMULGHERRY
SECUNDARABAD-5500015
TELEGANA

Advocate for : MR. J SARMAH
Advocate for : DY.S.G.I. appearing for THE UNION OF INDIA AND 2 ORS.

BEFORE

HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 26-07-2023

Heard Mr. A. Bhattacharjee, learned counsel for the writ petitioner. Also heard Mr. K.K. Parashar, learned CGC appearing for the official respondents.

The writ petitioner is an ex-serviceman who has retired from service under the Indian Army on attaining the age of superannuation. In response to the advertisement notice No. AOC/CRC/2003/JAN/AOC-02, whereby the respondent authorities had invited applications for filling up the posts of Tradesman Mate and Fireman, the writ petitioner had applied for the post of Fireman. In response to his application, the petitioner was allowed to participate in the selection process. Accordingly, he had taken part in the physical endurance/ skill test and had qualified in the same thus moving on to the round of written test. Although the petitioner had fared well in the written test and was entertaining a legitimate expectation of being selected, when the final results came out, his name did not feature in the merit list. Aggrieved thereby, the petitioner had submitted an application under the Right to Information Act, 2005 (RTI Act, 2005) and had also submitted representation requesting the authorities to furnish him with the information as to the reason why, the petitioner has not been selected. However, there was no response from the authorities. As such, writ petitioner has approached this Court by filing the instant writ petition.

Mr. Bhattacharjee, learned counsel for the writ petitioner submits that having reserved posts for ex-serviceman category and in view of the projection made by the

authorities that some posts will be filled up by the candidates from the Northeastern region, the respondents ought to have given preference to the candidature of the petitioner. However, since the select list was published on all India basis, there is total non-transparency with regard to the manner of selection of candidates in this case, inasmuch as, it is not known as to what criteria has been followed by the authorities for selection of candidates.

This matter was posted today for motion hearing so as to enable the learned CGC to obtain instruction. However, when the matter was called up before this Court, it is submitted on behalf of the respondents that instructions are still awaited.

After going through the averments made in the writ petition, it appears that the basic grievance of the petitioner is on account of non-furnishing of requisite information pertaining to the criteria which was followed by the authorities in selecting candidates by ignoring the ex-serviceman and those belonging to the Northeastern region. The above information appears to be relevant for the purpose of the petitioner and he had also filed an application under RTI Act, 2005. However, no information has allegedly been furnished to him. Unless such information is furnished to the petitioner, it may not be possible for him to make out a clear case on merit for interference by this Court. On the other hand, on receipt of information it may transpire that grievance of the petitioner is wholly unfounded. Whatever be the outcome, the petitioner is entitled to a response to his representation submitted before the respondent No. 3, which is yet to be received by him.

As such, without commenting on the merit of the claim made in the writ petition, this writ petition stands disposed of at the stage of motion hearing by providing that the

petitioner may submit a fresh representation ventilating his grievance in the matter before the respondent No. 3 by enclosing a certified copy of this order.

If such a representation is furnished within 02 weeks from today, the same be considered on merit and a response in respect thereto be sent to the petitioner in writing, within a further period of 08 weeks from the date of receipt of the representation.

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

JUDGE

GS

Comparing Assistant