

GAHC010149432021



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

Case No. : WP(C)/4846/2021

DHAN BAHADUR PRADHAN
S/O. RUKMAN PRADHAN, VILL. JOGIBARI, P.O. TERONBARI, P.O. GOHPUR,
DIST. BISWANATH, ASSAM, PIN-784171.

VERSUS

THE UNION OF INDIA AND 6 ORS
REP. BY THE SECRETARY, MINISTRY OF HOME AFFAIRS, GOVT. 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 GENEREAL

NE SECTOR
CRPF
STONY HEAVEN
BISHOP COTTON ROAD
SHILLONG-793001.

4:THE DEPUTY INSPECTOR GENERAL

CRPF GROUP CENTRE
P.O. AMERIGOG
KHANAPARA
ASSAM

PIN-781023.

5:THE COMMANDANT

GROUP CENTRE
CRPF KHATKHATI
KARBIN ANGLONG
PIN-782480.

6:THE STATE OF ASSAM
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM
WPT AND BC DEPARTMENT
GUWAHATI- 781006

7:THE DEPUTY COMMISSIONER

BISWANATH DISTRICT OF ASSAM. PIN- 78561

Advocate for the Petitioner : MR. R P SARMAH

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

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 08/11/2023

Heard Mr. R. P. Sarmah, learned senior counsel assisted by Ms. S. P. Chetry, learned counsel appears for the petitioner. Also heard Mr. J. K. Goswami, learned Government Advocate and Mr. K. Gogoi, learned CGC appears for the respondents.

2. The grievance of the petitioner is that he had applied and participated in the selection for appointment in the Central Armed Police Forces (CAPFs), NIA and SSF and Rifleman GD in Assam Rifles (AR) examination, 2018. The petitioner belongs to Newar community which is categorized as OBC by the State.

3. The grievance of the petitioner is that although he was selected and

appointment in the Central Reserve Police Force (CRPF), his appointment was subsequently cancelled on the ground that his caste (OBC) is not listed in the Central list of the Assam State by which he has been granted relaxation for the recruitment. The matter was referred to the Director General, CRPF, New Delhi for clarification and it has been informed that as his caste is not notified in the Central List of Assam State he was ineligible to be appointed as 'OBC' in Armed Forces. Accordingly, his appointment order which was issued by the CRPF has been recalled and cancelled. Being aggrieved the present writ petition has been filed.

4. When the matter was listed earlier, the respective counsels for the respondent were permitted to obtain instructions. Mr. K. Gogoi, learned CGC representing the CRPF has produced before this Court the relevant documents to show that several other candidates who belong to the same category of OBC belonging to the 'Newar community' are already serving pursuant to the same selection under the CRPF. A list of these candidates has been placed before the Court which was furnished by the CRPF by their communication dated 23rd September, 2023.

5. From the said list it is seen that as many as 4 (four) candidates, who belong to the 'Newar Community' have been selected and are presently working. These candidates selected and appointed are all residents of two different districts in the State of Assam, namely, Sonitpur and Biswanath Chariali. The present petitioner is a resident of Biswanath Chariali.

6. It is not the stand of the respondent CRPF authorities that the certificate presented by the petitioner certifying that he belongs to the 'Newar community' is not genuine. The only ground on which the appointment of the petitioner was

cancelled is that the 'Newar community' is not recognized in the Central List of the State of Assam. The list of OBC communities published by the Government shows 'Newar Community' as OBC in the State of Assam. However, the other candidates were shown to be appointed on the basis of the caste certificates issued by the concerned Deputy Commissioner showing them to be the members of the 'Newar community' recognized as OBC by the Government of Assam. If that be so, there is no reason why the petitioner's case ought not to be considered in the same light by the respondent authorities.

7. Considering the fact that there is no dispute with regard to the genuineness of the certificate produced by the petitioner, the respondent authorities are directed to similarly place the petitioner as had been done to the other candidates belonging to the 'Newar Community' as is reflected from the Communication dated 23.09.2023.

8. In that view of the matter, the writ petition stands allowed with a direction to the respondent authorities to consider the case of the petitioner and re-issue the appointment order to the petitioner for being appointed in CRPF as Constable (GD). His appointment will be considered to be effective from the date the appointment order dated 13.03.2021 was issued.

9. With the above direction, writ petition stands allowed and disposed of.

10. The Communication furnished by the learned CGC be retained in the case record.

11. Impugned order dated 02.09.2021 issued by the respondent authorities is set aside.

JUDGE

Comparing Assistant