

GAHC010156462019



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

Case No. : WP(C)/4656/2019

SUMA NATH
D/O- LATE SARAT KR NATH, W/O- SANKAR NATH, R/O- LALA, WARD NO.8,
P.O- LALA, DIST- HAILAKANDI, ASSAM, PIN- 788163,

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM,
SOCIAL WELFARE DEPTT, DISPUR, GHY- 06

2:THE DIRECTOR
SOCIAL WELFARE
ASSAM
UZAN BAZAR
GHY- 01

3:THE DISTRICT SOCIAL WELFARE OFFICER
HAILAKANDI
DIST- HAILAKANDI
ASSAM
PIN- 788151

4:THE CHILD DEVELOPMENT PROJECT OFFICER
LALA ICDS PROJECT
LALA
DIST- HAILAKANDI
ASSAM
PIN- 78816

Advocate for the Petitioner : MS. S B CHOUDHURY

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 02.01.2023

Heard Mr. H.A.Laskar, the learned counsel appearing on behalf of the petitioner and Mr. T.C.Chutia, the learned counsel appearing on behalf of all the respondents.

2. The petitioner has filed the instant writ petition being aggrieved by not appointing the petitioner in the existing vacant post of Supervisor (Contractual) under the Lala ICDS Project Lala. The facts involved in the instant case is that pursuant to an advertisement dated 24.02.2014, issued by the Directorate of Social Welfare, Assam, Uzan Bazar, the petitioner applied for the contractual post of Supervisor (Regular) as well as Supervisor (Contractual).

3. The petitioner was given a roll number bearing No.151017909 and the date of written examination was fixed on 13.12.2015. Pursuant to the written test, the petitioner qualified in the written examination both for the post of Supervisor (Regular) as well as the Supervisor (Contractual). The same appears from the Notification bearing No.DSW (ICDS) E/128/2014/66 dated 08.01.2016 as well as the Notification bearing No.DSW (ICDS)/E/128/2014/70 dated 08.01.2016. From a perusal of the said Notification dated 08.01.2016 bearing No. DSW (ICDS) E/128/2014/66, the petitioner was shown as short listed for

Viva-Voce interview for the post of Supervisor (Contractual) and the date of Viva-Voce test was fixed as per the said Notification on 19.01.2016 at BDS Deaf & Dumb School Kahilipara, Ghy-19. In terms with the subsequent Notification bearing No.DSW(ICDS) E/128/2014/70 dated 08.01.2016, the petitioner was also shortlisted for appearing in the Viva-Voce interview to be held at the Government BDS Deaf & Dumb School, Kahilipara on 18.01.2016 for the post of Supervisor Regular. The petitioner appeared for his interview for the Supervisor (Regular) on 18.01.2016 but did not perform well and as such he was not selected. However, on 19.01.2016, the petitioner did not appear in the said Viva-Voce test for the post of Supervisor (Contractual) and as such the petitioner was disqualified for being appointed to the post of Supervisor (Contractual). Being aggrieved the petitioner has approached this Court under Article 226 of the Constitution of India.

4. The respondents have filed an affidavit stating *inter alia*, that the petitioner had appeared for the Supervisor (Regular) on 18.01.2016 but failed to appear for the post of Supervisor (Contractual) on 19.01.2016, although the Notification categorically mentioned that the petitioner was supposed to appear on 19.01.2016 for attending the Viva-Voce test for Supervisor (Contractual).

5. In view of the specific stand taken by the Government to that effect and there is no denial that the petitioner did not appear on 19.01.2016 or was not allowed to appear on 19.01.2016. The petitioner also could not show any other illegalities in the action of the respondents.

6. Accordingly, this Court having not found any merit in this writ petition, the instant writ petition stands dismissed.

JUDGE

Comparing Assistant