

GAHC010164972023



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

Case No. : I.A.(Civil)/2125/2023

1. THE STATE OF ARUNACHAL PRADESH AND 4 ORS.
THROUGH THE CHIEF SECRETARY, GOVT. OF ARUNACHAL PRADESH,
ITANAGAR.

2: THE CHIEF SECRETARY,
GOVT. OF ARUNACHAL PRADESH,
ITANAGAR.

3: THE SECRETARY,
DEPTT. OF ADMINISTRATIVE REFORMS,
GOVT. OF ARUNACHAL PRADESH,
ITANAGAR.

4: THE UNDER SECRETARY,
DEPTT. OF ADMINISTRATIVE REFORMS,
GOVT. OF ARUNACHAL PRADESH,
ITANAGAR.

VERSUS

1. ROSY TABA AND ANR
W/O CHAKTER GONGO, PRESENTLY RESIDING AT VIVEK VIHAR,
QUARTER NO. 81, TYPE- III, P.O.- R.K. MISSION, ITANAGAR, P.S.-
ITANAGAR, DIST.- PAPUMPARE, ARUNACHAL PRADESH.

2:THE SCREENING COMMITTEE
CONSTITUTED VIDE ORDER DATED 11.01.2023 FOR SCREENING THE
APPLICATIONS RECEIVED FOR THE POST OF CHAIRMAN AND MEMBERS
OF ARUNACHAL PRADESH PUBLIC SERVICE COMMISSION THROUGH ITS
CHAIRMAN, SHRI RAMESH NEGI, IAS (RETD.)

Linked Case : I.A.(Civil)/2111/2023

THE STATE OF ARUNACHAL PRADESH AND 2 ORS.
REP. BY THE CHIEF SECRETARY
GOVT. OF ARUNACHAL PRADESH
ITANAGAR

2: THE SECRETARY
DEPARTMENT OF ADMINISTRATIVE REFORMS
GOVT. OF ARUNACHAL PRADESH
ITANAGAR.

3: THE JOINT SECRETARY
DEPARTMENT OF ADMINISTRATIVE REFORMS
GOVT. OF ARUNACHAL PRADESH
ITANAGAR.

VERSUS

COLONEL KOJ TARI AND 3 ORS.
S/O LATE KOJ HANYA
VILL.- DUTTA
P.O. AND P.S.- ZIRO
DIST.- LOWER SUBANSIRI
ARUNACHAL PRADESH.

2:THE COMMISSIONER
TO THE HON'BLE GOVERNOR
ARUNACHAL PRADESH, ITANAGAR.

3:THE SCREENING COMMITTEE
REP. BY ITS CHAIRMAN SHRI RAMESH NEGI
IAS (RETD.) O/O ADMINISTRATIVE REFORMS.,
ARUNACHAL PRADESH CIVIL SECRETARIAT,
BLOCK NO. 4, ITANAGAR.

4:THE SECRETARY
TO THE ARUNACHAL PRADESH PUBLIC SERVICE COMMISSION (APPSC)
ITANAGAR, ARUNACHAL PRADESH.

For the Applicant(s) : Mr. I. Chowdhury, Advocate General, Arunachal Pradesh assisted by Mr. N.N.B. Choudhury, Additional Advocate General, Arunachal Pradesh.

For the Respondent(s) : Mr. J. Patowary, Advocate [for respondent No.1 in I.A. (Civil) No.2125/2023]
Mr. B. Kaushik, Advocate [for respondent No.1 in I.A.(Civil) No.2111/2023]

- B E F O R E -

HON'BLE THE CHIEF JUSTICE

HON'BLE MRS. JUSTICE MITALI THAKURIA

31.07.2023

The instant Interlocutory Applications, I.A.(Civil) No.2125/2023 and I.A. (Civil) No.2111/2023 have been filed seeking clarification of the order dated 09.06.2023 passed by this Court in WA No.205/2023 and WA No.203/2023.

Mr. I. Chowdhury, learned Advocate General, Arunachal Pradesh submits that since one Member and the Chairman, who were simultaneously selected along with the respondents herein in the process for selection of Chairman and Members of the Arunachal Pradesh Public Service Commission (APPSC) have not questioned the decision cancelling their selection, the State may be allowed to proceed with the advertisement dated 28.04.2023, whereby fresh selection was initiated for filling up the posts of one Chairman and 3(three) Members of the Commission.

Mr. J. Patowary, learned counsel representing the respondent No.1 in I.A. (Civil) No.2125/2023 and Mr. B. Kaushik, learned counsel representing the respondent No.1 in I.A.(Civil) No.2111/2023, submit that as long as their clients' interests are protected, they do not have any objection to the selection process

being carried forward.

In view of the facts and circumstances noted above, we hereby permit the State of Arunachal Pradesh to proceed with the selection process for the posts of Chairperson and one Member of the Arunachal Pradesh Public Service Commission (APPSC) in furtherance of the advertisement dated 28.04.2023.

However, in view of the fact that the legality of the decision to cancel the earlier selection process is under challenge in the pending writ petitions, WP(C) No.213(AP)/2023 and WP(C) No.223(AP)/2023, the result of the fresh selection process will be kept in sealed cover and shall not be declared till disposal of the aforesaid two writ petitions.

We further request the learned Single Judge to expedite the decision of the writ petitions, WP(C) No.213(AP)/2023 and WP(C) No.223(AP)/2023.

The Interlocutory Applications are disposed of accordingly.

JUDGE

CHIEF JUSTICE

Comparing Assistant