

GAHC010194542023



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

Case No. : WP(C)/5245/2023

DEBENDRA NATH
S/O LATE JOGESH NATH, R/O VILL-LUTAPARA, P.O.-HELAGARI, P.S.-
SAPATGRAM, DIST-DHUBRI, ASSAM, PIN-783345

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER SECRETARY TO THE GOVT. OF
ASSAM, HOME AND POLITICAL DEPARTMENT, DISPUR, GUWAHATI-
781006

2:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
PERSONNEL (B) DEPARTMENT
DISPUR
GUWAHATI-06

3:THE CHAIRMAN
STATE LEVEL POLICE RECRUITMENT BOARD
REHABARI
GUWAHATI-08

4:THE DEPUTY COMMISSIONER
DHUBRI
P.O. AND DIST- DHUBRI
ASSAM

5:THE STATE LEVEL RECRUITMENT COMMISSION FOR GRADE-IV POSTS
ASSAM ADMINISTRATIVE STAFF COLLEGE
JAWAHAR NAGAR
KHANAPARA
GUWAHATI-22

6:THE DIRECTOR GENERAL OF POLICE
ASSAM

ULUBARI
GUWAHATI-

Advocate for the Petitioner : MR. A A MONDAL
Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

13.09.2023

Heard Shri B. Islam, learned counsel for the petitioner.

2. The petitioner, who belongs to the OBC category had applied in a recruitment process vide an advertisement dated 21.01.2013 by the State Level Police Recruitment Board. It is the case of the petitioner that he had passed the Physical Standard Test (PST) and was also held to be medically fit and even thereafter, he was declared to be not selected. Shri Islam, learned counsel for the petitioner has submitted that having passed the PST and also being medically fit and having appeared in the interview, such rejection could not have been done. The petitioner is also annexed a copy of the order dated 09.08.2023 of this Court passed in WP(C)/2243/2023.

3. On the other hand, Shri JK Goswami, learned Additional Senior Government Advocate has submitted that there are no grounds, whatsoever, pleaded in the writ petition in support of the present challenge. He submits that PST and Medical are only eligibility criteria and the selection is done amongst the eligible candidates on the basis of their merits which are assessed by means of written test as well as interview.

4. Shri B. Choudhury, learned counsel for the respondent no. 5 also endorses the submission of Shri Goswami, learned Additional Senior Government

Advocate and additionally submits that there is no basis of the present challenge. He further submits that a writ petition which is filed by the unsuccessful candidate after submitting himself in a recruitment process is not to be entertained in a routine manner unless some definite grounds are made out. He submits that in the instant case, there are no grounds at all.

5. After hearing learned counsel for the parties, this Court has noticed that though a challenge has been projected with regard to non-selection of the petitioner in the recruitment process initiated vide the advertisement dated 21.01.2023, the petitioner seems to have been proceeded on the presumption that having qualified in the PST and being declared to be medically fit, he is entitled for appointment which is not a correct presumption. This Court finds force in the argument made by the learned counsel for the respondents that the aforesaid two components are only on the eligibility criteria and the candidate have to compete on merits in the written test as well as oral interview.

6. As reflected above, no grounds have been taken on any discrepancy in the written test or oral interview. The order dated 09.08.2023 passed in WP(C)/2243/2023 sought to be relied upon by the petitioner has no manner of application as the said case pertains to rejection on the ground of over age which is not the facts of the present case.

7. In view of the above, the writ petition is held to be without merit and accordingly the same is dismissed.

JUDGE

Comparing Assistant