

GAHC010197492023



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

Case No. : WP(C)/5332/2023

JAHANGIR ALOM AND 3 ORS
S/O- SAHIDUR RAHMAN, VILLAGE AND P.O. DAFARPUR, P.S. TAMARHAT,
DISTRICT- DHUBRI, ASSAM, PIN- 783334

2: SHAHRUKH AHMED
S/O- JAHAN UDDIN AHMED
R/O- BILASHIPARA WARD NO.2
SURJYAKHATA
P.O. AND P.S. BILASHIPARA
DISTRICT- DHUBRI
ASSAM
PIN- 783348

3: HUSSAIN MOHAMMAD RAMEEZ RAJA
S/O- AFZAL HUSSAIN
VILLAGE- JHAGRAPAR PART-III
P.O. JHAGRARPAR
P.S. DHUBRI
DISTRICT- DHUBRI
ASSAM
PIN- 783325

4: MIRZA SUMSUDDIN
S/O- ABDUL BAREQUE
VILL- BIDYAPARA PART-II
P.O. KHALILPUR
P.S. DHUBRI
DISTRICT- DHUBRI
ASSAM
PIN- 78332

VERSUS

THE STATE OF ASSAM AND 5 ORS

REPRESENTED BY ITS COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM PHE DEPARTMENT, DISPUR, GUWAHATI-06

2:THE CHIEF ENGINEER PHE
(PRIMARY HEALTH ENGINEERING) DEPARTMENT
HENGRABARI
DISTRICT- KAMRUP (M)
ASSAM
GUWAHATI- 36

3:THE EXECUTIVE ENGINEER (PHE)
DHUBRI DIVISION
P.O. AND P.S. DHUBRI
DIST.- DHUBRI
ASSAM
PIN- 783301

4:THE SELECTION COMMITTEE
CONSTITUTED FOR THE PURPOSE OF TECHNICAL OFFICER-I AND
TECHNICAL OFFICER-II IN PURSUANCE OF ADVERTISEMENT NO.
PHEE/DBB/JJM/TC-203/2023-24 UNDER DHUBRI PHE DIVISION
REPRESENTED BY ITS MEMBER SECRETARY-CUM-EXECUTIVE ENGINEER
(PHE)
DHUBRI DIVISION
GTB ROAD
P.O. AND P.S. DHUBRI
DIST.- DHUBRI
ASSAM
PIN- 783301

5:THE INTERVIEW BOARD
CONSTITUTED FOR TAKING VIVA-VOCE FOR THE POSTS OF TECHNICAL
OFFICER-I (T.O.-I) AND TECHNICAL OFFICER-II UNDER PHE DHUBRI
DIVISION
DHUBRI IN PURSUANCE OF ADVERTISEMENT NO. PHEE/DBB/JJM/TC-
203/2023-24 UNDER DHUBRI PHE DIVISION REPRESENTED BY ITS
MEMBER SECRETARY-CUM-EXECUTIVE ENGINEER (PHE)
DHUBRI DIVISION
GTB ROAD
P.O. AND P.S. DHUBRI
DIST.- DHUBRI
ASSAM
PIN- 783301

6:THE DEPUTY COMMISSIONER
DHUBRI
P.O. AND P.S. DHUBRI
DIST.- DHUBRI

ASSAM
PIN- 78330

Advocate for the Petitioner : MR. M A SHEIKH

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 11/12/2023

Heard Mr. M.A. Sheikh, learned counsel for the writ petitioners. Also heard Mr. R.R. Gogoi, learned Standing Counsel, PHE Department, Assam as well as Mr. D. Bora, learned Government Advocate, Assam, appearing for the official respondents.

The 4 (four) writ petitioners herein took part in the selection process for recruitment in the post of Technical Officer (TO-I) under the Dhubri PHE Division. After the conclusion of the selection process, a select list was prepared and published on 09/06/2023 recommending the name of 5 (five) candidates for appointment in the posts of TO-I. The names of the writ petitioners also find place in the list of the five selected candidates prepared in order of merit. The petitioners were expecting orders of appointments, to be issued by the authorities in their favour. However, when no such step was taken, the petitioners had submitted representation before the Executive Engineer, PHE Department, Dhubri, ventilating their grievance in the matter. Since the said representation has also failed to evoke any response, the petitioners have been compelled to approach this court by filing the instant writ petition.

Mr. Gogoi, learned Standing Counsel, PHE, submits that the petitioners are amongst the five selected candidates but after the publication of the select list, some complaints were received from the participants with a request to conduct re-interview. At that stage, this writ petition came to be instituted, as a result of which, the entire matter has been put to a halt.

If the petitioners are amongst the five selected candidates, than it is obvious that they would entertain a legitimate expectation to be appointed in the post for which they have been selected.

Having conducted the selection process, the authorities cannot refuse to issue the order of appointment unless the selection process itself is cancelled for reasons, which are very strong and compelling and can be established on the face of the records. No such reason has been cited before this Court during the course of the hearing of the case nor is there any decision to cancel the selection process.

In view of the above, I dispose of the writ petition with a direction upon the respondents to examine the representation submitted by the petitioners. Upon such examination, appropriate step be taken in the matter, as may be found fit and proper, in the facts and circumstances of the case.

The aforesaid process be completed within 45 days from the date of receipt of a certified copy of this order.

Whatever be the outcome of the process, the same be communicated to the petitioners in writing.

If the petitioners continue to remain aggrieved even thereafter, they would be at liberty to approach this Court once again.

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

JUDGE

sukhamay

Comparing Assistant