

GAHC010215542011



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

Case No. : WP(C)/2657/2011

MD. SHEIKH FARID ALI
S/O- MD. SULEIMAN ALI, VILL. and P.O.- SANIADI, P.S.- HAJO, DIST.-
KAMRUP, ASSAM

VERSUS

THE ASSAM INDUSTRIAL DEVELOPMENT CORPORATION LTD. and ORS.
REP. BY ITS MANAGING DIRECTOR, R.G. BARUAH ROAD, GHY- 24

2:THE MANAGING DIRECTOR
ASSAM INDUSTRIAL DEVELOPMENT CORPORATION LTD. R.G. BARUAH
ROAD
GHY- 24

3:THE GENERAL MANAGER P and A
ASSAM INDUSTRIAL DEVELOPMENT CORPORATION LTD. R.G. BARUAH
ROAD
GHY- 2

Advocate for the Petitioner : MS.N DEB

Advocate for the Respondent : MR.M CHETIA

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

20.06.2023.

1. Heard Mr. R. Chakraborty, learned counsel for the petitioner. Also heard Mr. J. K. Goswami, learned State Counsel representing the State respondents.
2. The present writ petition is filed with a prayer that a direction should be issued to the respondent authorities particularly to the respondent No. 2 to regularize the service of the petitioner for the post of Junior Engineer (Civil).
3. It is the case of the petitioner that the petitioner was allowed to undergo one year practical training in the respondent No. 2 , Corporation. After completion of apprenticeship training, the petitioner was placed under the respondent authority in Industrial Growth Centre Project at Bailipara in Sonitpur District of Assam in a consolidated pay of Rs. 2500/- and subsequently the said consolidated pay has been extended from time to time.
4. Thereafter an advertisement was published on 12.09.2007 by the respondent authorities inviting applications for filling up post of Junior Engineer (Civil).
5. Pursuant to such advertisement, the petitioner participated in the selection process and he was expecting that his service shall be regularized after getting selected in the aforesaid selection process. However, it is his case that the respondent authority has not published the result of such selection process. Accordingly, this writ petition was filed.
6. The respondent authority by filing an affidavit has taken a stand that there is no scope of regularizing the service of the petitioner inasmuch as

he was engaged only on contract basis under a scheme. It is their further case that though the selection process was initiated, however, due to dearth of suitable candidate, such selection process was cancelled.

7. It is not a case of the writ petitioner that he has wrongly been deprived from the selection rather it is his case that through the selection process, his service ought to have been regularized.
8. No tangible material has been brought before this Court to uphold a claim that a person who has been engaged under a contract in a scheme, is having a definite right for regularization through a selection process.
9. In absence of such right, a writ of mandamus directing the regularization of the service of the petitioner on the basis of such selection process cannot be issued. The other contention of the petitioner that the result was not published, has been answered by the respondent authority that due to dearth of suitable candidate, such selection process was abandoned.
10. This Court in exercise of its writ jurisdiction, cannot ask the State instrumentalities to continue with the selection process even if they are having a satisfaction that they had not got qualified candidates inasmuch as there is nothing on record to show that any right of the petitioner under Articles 14 and 16 of the Constitution of India has been violated by abandoning the selection process.
11. In that view of the matters, this Court is of the considered opinion that this writ petition lacks merit and accordingly, same stands dismissed.

JUDGE

Comparing Assistant