

GAHC010225082023



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

Case No. : WP(C)/6028/2023

DHANANJAY RAY AND 12 ORS.
S/O TIPENDRA NATH RAY, R/O VILL-KHEKESHIALY, P.O.-DEBOTTAR
HASDAHA, P.S.-GOLAKGANJ, DIST-DHUBRI, ASSAM, PIN-783334

2: CHAND TARA KHATUN
D/O SAMAIM HUSSAIN
R/O KUMAR PATTY WARD NO. 10
DIST- DHUBRI
ASSAM
PIN 783331

3: SMTI. SUJILA BARMAN
D/O MANIK UDDIN
R/O VILL-THARUAR CHAR PART (II)
DIST-DHUBRI
ASSAM
PIN-783331

4: MAHAMADUL HUSSAN PRODHANI
S/O SOLOWAR ALI PRODHANI
R/O VILL- NALIA
P.O.-DIMAKURI
P.S.-GOLAKGANJ
DIST- DHUBRI
ASSAM
PIN-783334

5: MOFIZUL ISLAM
S/O SERAJ UDDIN SHEIKH
R/O VILL-BALAJAN PT. II
P.O.-SAHEBGANJ
P.S.-GAURIPUR
DIST-DHUBRI
ASSAM

PIN-783331

6: RAJIV KR. ROY
S/O LATE KAMALA KANTA RAY
R/O VILL AND P.O.-MADHUSOULMARI
P.S.-GAURIPUR
DIST-DHUBRI
ASSAM
PIN-783331

7: AKUL CH. ROY
S/O HARADHAN ROY
R/O VILL- NALIA (PT-II)
P.O.-DIMAKURI
P.S.-GOLAKGANJ
DIST-DHUBRI
ASSAM
PIN-783334

8: SMTI. PRANITA NATH
D/O LATE SUREN NATH
R/O VILL AND P.O.-GALIA
DIST-BARPETA
ASSAM
PIN-781352

9: PABITRA ADHIKARY
S/O LT. KARENDRA NATH ADHIKARY
R/O VILL- SUKHANTIKHATA
P.O.-RUPSHI
P.S.-GAURIPUR
DIST-DHUBRI
ASSAM
PIN-783331

10: SMTI. TINA DAIMARI
D/O UMESH DAIMARI
R/O VILL-KAHIBARI
P.O. AND P.S.-UDALGURI
ASSAM
PIN-784509

11: GUDDU KHAN
S/O SAMSUL KHAN
R/O VILL-NATUNPAM
P.O.-SIRAJULI
P.S.-DHEKIAJULI
DIST-SONITPUR

ASSAM
PIN-784117

12: SMTI. BINEETA MEDHI
D/O LATE KHAGENDRA MEDHI
R/O VILL-CHAULIABARI
P.O.-KARDAI GURI
P.S.-PATACHARKUCHI
DIST-BARPETA
ASSAM
PIN-781318

13: KUMUD RABHA
S/O LATE DEWBAR REABHA
R/O VILL-PACHIM BHAIRAGURI
P.O.-NALKAMARS
P.S.-UDALGURI
DIST-UDALGURI
ASSAM
PIN-78950

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, DEPARTMENT OF SOCIAL WELFARE, DISPUR, GUWAHATI-6

2:THE COMMISSIONER OF PERSONS WITH DISABILITIES
ASSAM
LATAKATA
BASISTHA
GUWAHATI-29

3:THE DIRECTOR SOCIAL WELFARE
ASSAM
UZANBAZAR
GUWAHATI-1

4:THE GAUHATI UNIVERSITY
REPRESENTED BY THE REGISTRAR
JALUKBARI
GUWAHATI-14
DIST- KAMRUP (M)
ASSA

Advocate for the Petitioner : MR R DHAR

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

13.10.2023

Heard Shri Rupak Dhar, learned counsel for the petitioners. Also heard Shri S.R. Baruah, learned State Counsel and Shri P.J. Phukan, learned Standing Counsel, Gauhati University.

The case projected is that a recruitment process was initiated vide an advertisement dated 30.12.2018 for various post and the petitioners claim to be belonging to the PwD category. It is the case of the petitioners that though E-Admit Cards were issued to them, they were not allowed to sit for the examination and accordingly, this writ petition has been filed with the following prayer:

“(i) Directing the Respondent authorities to call for interview of the petitioners in pursuance to the E-Admit Cards issued to the petitioners by the respondent No. 4 as out of 513 posts only 354 Grade IV posts were filled up and remaining 190 posts are yet to be filled up by the respondent authorities.

“(ii) To grant any other relief(s) to which the petitioners are entitled.”

Shri Baruah, the learned State Counsel however submits that the examination was held in February, 2021 and the present writ petition has been filed more than 2 ½ years thereafter. He accordingly submits that no effective relief can be granted to the petitioner.

Shri Phukan, the learned Standing Counsel endorses the submission of Shri Baruah, the learned State Counsel.

While this Court is of the view that there could have been a cause of action, any attempt to examine the same which is been raised after a period of more than 2 ½ years could not lead for granting any effective relief to the petitioners. The examination being held in some time in February, 2021 for the recruitment process has culminated in appointments which are not liable to be disturbed at this point of time.

Shri Dhar, the learned counsel submits that there are still many vacancies which can be filled up.

This Court is however of the opinion that within the stand of this period, there would be many other eligible candidates in the category of the petitioners and directing consideration of the cases of only the petitioners would result in deprivation of those candidates who are now eligible.

In view of the above this writ petition is closed.

It however observed that in any ensuing recruitment, the cases of the petitioners would be considered in accordance with law.

JUDGE

Comparing Assistant