

GAHC040012092022

2024:GAU-AP:1096



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

Case No. : WP(C)/354/2022

Yorum Anna and Anr.
D/o Shri Yorum Taging,
Village Leel, PO/PS Sangram, District Kurung Kumey, Arunachal Pradesh.

2: Bengia Seel Age: Occupation :
D/o Shri Bengia Hashi Village Tayeng
PO/PS Koloriang District Kurung Kumey
Arunachal Pradesh

VERSUS

THE STATE OF AP and 4 Ors.
Represented through the Secretary, Agriculture Govt. of Arunachal Pradesh,
Secretariat, Itanagar.

2:The Secretary Age: 0 Occupation :
Horticulture Govt. of Arunachal Pradesh
Secretariat Itanagar.

3:the Director Age: 0 Occupation :
Department of Agriculture
Govt. of Arunachal Pradesh
Naharlagun Itanagar.

4:Head/Scientist Age: 0 Occupation :
3 SHRDI Department of Horticulture Chimpu
Itanagar Arunachal Pradesh.

5:Ginbom Siga Age: 0 Occupation :
C/o Krishi Bhawan Directorate of Agriculture
D Sector Naharlagun Arunachal Pradesh

Advocate for the Petitioner : T T Tara, Tamar Gadi, D Loyi, Gamken Bam, Terji Kamchi, Riya Sarkar, Kirmani Lollen

Advocate for the Respondent : GA (AP), Maryom Sora, Nyai Loyi, Geli Taye, D Ado, Kemo Lollen, Lissing Perme, SC (Agriculture), SC (Horticulture)

Linked Case : WP(C)/353/2022

Bengia Seel and Anr.
Age: 26 Occupation :
Address: D/o Shri Bengia Hashi
Village Tayeng
PO/PS Koloriang
District Kurung Kumey
Arunachal Pradesh.

2: Yorum Anna Age: 26
Occupation : Address: D/o Shri Yorum Taging
Village Leel PO/PS Sangram District Kurung Kumey
Arunachal Pradesh.

VERSUS

THE STATE OF AP and 4 Ors.
Age: 0 Occupation :
Address: D/o Shri Yorum Taging
Village Leel PO/PS Sangram
District Kurung Kumey
Arunachal Pradesh.

2: The Secretary Age: 0
Occupation : Address: Horticulture
Govt. of Arunachal Pradesh Secretariat Itanagar.

3: The Director Age: 0
Occupation : Address: Department of Agriculture
Govt. of Arunachal Pradesh Naharlagun Itanagar.

4: Head/Scientist Age: 0 Occupation :
Address: 3 SHRDI Department of Horticulture Chimpu
Itanagar Arunachal Pradesh.

5: Hage Sunka Age: 0 Occupation :
Address: C/o Krishi Bhawan Directorate of Agriculture
D Sector Naharlagun Arunachal Pradesh.

Advocate for : T T Tara

Advocate for : GA (AP) appearing for THE STATE OF AP

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

Date of hearing : 10.12.2024

Date of Judgment & order: 10.12.2024

JUDGMENT & ORDER (ORAL)

Heard Mr. Gamken Bam, learned counsel, appearing on behalf of the petitioners in both these writ petitions. Also heard Mr. Lissing Perme, learned standing counsel, Agriculture Department, appearing on behalf of Respondents No. 1 & 3; Mr. T. Gyatso, learned standing counsel, Horticulture Department, appearing on behalf of Respondents No. 2 & 4; and Mr. Kemo Lollen, learned counsel, appearing on behalf of Respondent No. 5; in both these writ petitions.

2. The grievance raised by the petitioners in both these writ petitions, pertains to the selection and appointment of the Respondent No. 5, in both these writ petitions, against the posts of Farm Manager as well as the Programme Assistant (Laboratory Technician) in Krishi Vigyan Kendras in pursuance of the Advertisement, dated 15.03.2021.

3. WP(C)353(AP)2022:

The petitioners, herein, have assailed the selection and appointment of the Respondent No. 5 viz. Miss Hage Sunka against the post of Programme Assistant(Laboratory Technician) in Krishi Vigyan Kendra in pursuance of the Advertisement, dated 15.03.2021. The challenge to the appointment of the Respondent No. 5 is so made on the ground that her name did not appear in the list of short-listed candidates so prepared by the respondent

authorities for holding the interview for the said post of Programme Assistant(Laboratory Technician). It is contended that without being included in the list of the short-listed candidates so prepared by the respondent authorities in the matter; the Respondent No. 5, herein, was favoured with the appointment against the post of Programme Assistant (Laboratory Technician) , in pursuance of the said Advertisement, dated 15.03.2021.

4. WP(C)354(AP)2022:

The petitioners, herein, have assailed the selection and appointment of the Respondent No. 5 viz. Miss Ginbom Siga against the post of Farm Manager in Krishi Vigyan Kendra in pursuance of the Advertisement, dated 15.03.2021. The challenge to the appointment of the Respondent No. 5 is so made on the ground that her name did not appear in the list of short-listed candidates as prepared by the respondent authorities for the purpose of holding the viva voce test in the matter. It is contended that without being so included in the list of the short-listed candidates so prepared by the respondent authorities in the matter; the Respondent No. 5, herein, was favoured with the appointment against the post of Farm Manager, in pursuance of the said Advertisement, dated 15.03.2021.

5. Mr. Bam, learned counsel for the petitioners, has reiterated the facts as noticed hereinabove in the above-noted writ petitions. It is contended by the learned counsel that the Respondent No. 5 in both these writ petitions, were favoured by the respondent authorities with an appointment against the posts of Farm Manager as well as Programme Assistant(Laboratory Technician) in the Krishi Vigyan Kendras even without their names being

short-listed for the purpose of calling them to the interview as mandated for recruitment to the posts of Farm Manager as well as the Programme Assistant (Laboratory Technician).

6. Mr. Bam, learned counsel for the petitioners, has submitted that on account of such illegal appointment being made in respect of the respondent No. 5, herein, in these two writ petitions; the petitioners, herein, were deprived of due consideration of their respective cases for appointment as Farm Manager and Programme Assistant(Laboratory Technician). The learned counsel has further submitted that the names of the petitioners, herein, on the basis of their academic career, were included in the list of short-listed candidates both against the post of Farm Manager as well as the post of Programme Assistant(Laboratory Technician) while the names of the Respondent No. 5 in both these writ petitions, were not short-listed for the purpose of calling them for the interview. The learned counsel has also submitted that the stand now taken by the respondent authorities in their affidavit-in-opposition and the explanations put-forward therein, were not disclosed at the time of the process of recruitment and accordingly, he has contended that the same are clearly afterthoughts and poised thus; he has prayed that the appointment of the Respondent No. 5, herein, in both these writ petitions, would call for an interference.

7. Mr. Perme, learned standing counsel, Agriculture Department, has, at the outset, submitted that on receipt of the applications from the candidates, a merit list is prepared based on their past academic achievements. Thereafter, the top 6 to 8 candidates are short-listed against the post concerned and called for the interview.

8. Mr. Perme, learned standing counsel, Agriculture Department, by referring to the affidavit-in-opposition filed in the above-noted writ petitions; submitted that the Respondent No. 5 in WP(C)354(AP)2022, admittedly, was not included in the list of short-listed candidates prepared for the purpose of calling them for the interview. Mr. Perme, has submitted that after the list of short-listed candidates were so published; 2(two) candidates had withdrawn their candidature from the selection process. The said candidates who had withdrawn from the selection process figured at Serial No. 6 and 24 of the list of the short-listed candidates already published. Accordingly, one Shri Kaling Tashing and the Respondent No. 5 viz. Ms. Ginbom Siga, who were placed at Serial No. 25 and 26 respectively, in the list of the eligible candidates, came to be included in the list of the short-listed candidates in-as-much as they now come within the merit position required to be achieved for the purpose of calling them for the interview. Accordingly, it is contended that there was no illegality in considering the case of the Respondent No. 5 in WP(C)354(AP)2022, and accordingly, the selection of Respondent No. 5, herein, would not call for any interference.

9. Mr. Perme, learned standing counsel, with regard to the consideration so extended in respect of the Respondent No. 5 in WP(C)354(AP)2022, and her consequential appointment as Programme Assistant(Laboratory Technician), would not mandate any interference in-as-much as it is submitted that in the list of the eligible candidates so published, there occasioned a clerical error in assigning to her marks for her academic performance; the Respondent No. 5 was on account of a clerical error so shown to have scored 15.4 marks and her name was placed at Serial No. 222 of the merit list. This error so occasioning having come to the notice of

the respondent authorities; the respondent authorities had taken remedial measures and by reckoning the actual marks scored by the respondent No. 5, i.e. 25.4 marks, which would have placed her at Serial No. 6 of the list of the short-listed candidates; the name of the Respondent No. 5, herein, came to be so included by way of issuance of a Corrigendum Notification, dated 29.08.2022, and accordingly, she was allowed to participate in the said selection process. The respondent No. 5, herein, being successful in the said selection process so held; she came to be appointed against the post of Programme Assistant(Laboratory Technician).

10. I have considered the submissions advanced by the learned counsels appearing for the parties and also perused the materials brought on record.

11. Mr. Bam, learned counsel for the petitioners, in the above-noted 2(two) writ petitions, have, during the hearing; assailed the selection of the respondent No. 5, therein, only on the ground that the respondent No. 5, in the said writ petitions, were selected and appointed, against the post of Farm Manager and Programme Assistant(Laboratory Technician), respectively, without being included amongst the candidates initially short-listed against the said posts for appearing in the interview. Accordingly, this Court proceeds to consider the challenge in the present proceedings only on the said ground as urged by the petitioners.

12. The Advertisement, in question, in these proceedings, were so issued on 15.03.2021, and it is contended that the selection process with regard to the posts so available have been taken to its logical conclusion. The Respondent No. 5 viz. Ms. Hage Sunka in WP(C)353(AP)2022, has been

appointed to the post of Programme Assistant(Laboratory Technician), vide Notification, dated 04.09.2022, and the Respondent No. 5 viz. Ms. Ginbom Siga, in WP(C)354(AP)2022, has been appointed to the post of Farm Manager vide Notification, dated 04.09.2022.

13. Insofar as the recruitment to the post of Programme Assistant(Laboratory Technician) involved in WP(C)353(AP) 2022, is concerned, it is seen that the Respondent No. 5, viz. Ms. Hage Sunka, was not initially included in the list of short-listed candidates prepared for the purpose of calling them for the interview. The affidavit-in-opposition also proceeds to hold that the name of the Respondent No. 5, herein, was not included in the list of short-listed candidates only on account of a technical error that had occasioned while entering her marks in the merit list of candidates prepared by the respondent authorities by reckoning the academic career of the candidates for the post of Programme Assistant (Laboratory Technician). It is contended that the respondent No. 5, herein, in the said merit list was placed at Serial No. 222 by granting to her 15.4 marks which, admittedly, was stated to be on account of a clerical error. It is also contended that the said respondent No. 5 basing on her past academic performance, had scored 25.4 marks. The said matter on coming to the notice of the respondent authorities, the same came to be rectified and the said Respondent No. 5 was found to be eligible to be placed at Serial No. 6 of the list of short-listed candidates so prepared by the respondent authorities for the said post of Programme Assistant(Laboratory Technician).

14. Accordingly, vide the corrigendum, dated 29.08.2022, the name of

the respondent No. 5 viz. Ms. Hage Sunka in WP(C)353(AP)2022, was included in the list of short-listed candidates so prepared for appearing in the interview for the said post of Programme Assistant (Laboratory Technician). The said contention of the respondent authorities has not been disputed by the petitioners, herein, by bringing relevant materials on record. Further, the contentions so made in the affidavit-in-opposition filed by the respondent authorities has also not been denied by the petitioners by way of filing an affidavit-in-reply. Accordingly, it is to be held that it was on account of a clerical error that the name of the Respondent No. 5 viz. Ms. Hage Sunka in WP(C)353(AP)2022, came to be excluded from the list of short-listed candidates for appearing in the interview process and the same having been rectified and also a corrigendum, dated 29.08.2022, being issued in this respect; the same cannot be called in question by the petitioners, herein.

15. Insofar as the recruitment to the post of Farm Manager is concerned and which is the issue in WP(C)354(AP)2022; it is seen that the name of the Respondent No. 5 viz. Ms. Ginbom Siga, in the merit list so prepared of the candidates by the respondent authorities so applying against the said post of Farm Manager, basing on their past academic performance, was placed at Serial No. 26. However, after the preparation of the list of short-listed candidates eligible for appearing in the interview for the said post of Farm Manager, 2(two) candidates had submitted written applications that their such inclusion be cancelled. On receipt of such applications from the said 2(two) candidates, namely, Shri Takhe Tayang and Shri Ngaken Yomgam, who were placed at Serial No. 6 and 24 respectively in the list of short-listed candidates found eligible for appearing in the interview for the post of Farm Manager; one Shri Kaling Tasing and the Respondent No. 5,

herein, Ms. Ginbom Siga, who were placed at Serial No. 25 and 26 in the list of candidates so prepared basing on their past academic performance, came to be included in the list of eligible candidates; now short-listed for appearing in the interview process for the post of Farm Manager. The said aspect of the matter was communicated to all concerned by way of issuance of a corrigendum, dated 29.08.2022. The Respondent No. 5 having been included in the list of short-listed eligible candidates for appearing in the interview for selection against the post of Farm Manager; no error can be found thereto.

16. It is to be noted that there is no allegation that Shri Kaling Tasing and the Respondent No. 5, herein, Ms. Ginbom Siga, were so included in the list concerned beyond the proportion of the candidates mandated to be applied in relation to the vacancies available against the post of Farm Manager. Further, in the absence of any material brought on record by the petitioners, herein, disputing the contentions raised by the respondent authorities in the matter; such contentions made by the respondent authorities would merit an acceptance. Accordingly, the inclusion of the Respondent No. 5 in the list of eligible candidates short-listed for appearing in the interview for selection against the post of Farm Manager, would not be called for any interference.

17. In view of the above discussions and conclusions reached by this Court hereinabove; the selection of Respondent No. 5 viz. Ms. Hage Sunka in WP(C)353(AP)2022 against the post of Programme Assistant (Laboratory Technician), and Respondent No. 5 viz. Ms. Ginbom Siga in WP(C)354(AP)2022 against the post of Farm Manager, would not call for

any interference and accordingly, their consequential appointment as Farm Manager and Programme Assistant(Laboratory Technician), would also not mandate any interference from this Court.

18. In view of the above position; the instant writ petitions being WP(C)353(AP)2022 and WP(C)354(AP)2022, are held to be devoid of any merit and accordingly, these writ petitions stand dismissed. However, there shall be no order as to costs.

JUDGE

Comparing Assistant