

GAHC010004702018



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

Case No. : WP(C)/208/2018

RANAY KUMAR BASUMATARY
S/O. LATE KAMALESWAR BASUMATARY, RESIDENT OF VILLAGE-
NALJIBARI, POST OFFICE- SALAKATI, POLICE STATION- SALAKATI,
DISTRICT- KOKRAJHAR, BTAD, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, DEPARTMENT OF FOREST AND ENVIRONMENT, DISPUR,
GUWAHATI-781006

2:BODOLAND TERRITORIAL AUTONOMOUS COUNCIL
REPRESENTED BY PRINCIPAL SECRETARY
KOKRAJHAR
BTAD
ASSAM. DISTRICT- KOKRAJHAR
ASSAM.

3:STATE LEVEL COMMITTEE FOR APPOINTMENT ON COMPASSIONATE
GROUND
FOREST DEPARTMENT
ASSAM
REPRESENTED BY ITS CHAIRMAN.

4:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST AND HEAD OF
FOREST FORCE
ASSAM
PANJABARI
GUWAHATI-781037

5:THE ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FOREST

BTAD
ASSAM
DIST. KOKRAJHAR
ASSAM.

6:THE CHIEF CONSERVATOR OF FOREST
HQ

PANJABARI
GUWAHATI-781037

7:THE DIVISIONAL FOREST OFFICER
HALTUGAON DIVISION
KOKRAJHAR
BTAD
ASSAM
DISTRICT- KOKRAJHAR
ASSAM

Advocate for the Petitioner : MR. T DEURI

Advocate for the Respondent : MR. D NATH (ADDL. SR. GA, ASSAM)

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 05-02-2024

1. Heard Mr. T. Deuri, learned counsel for the petitioner. Also heard the learned counsel for the respondents.
2. The present writ petition is filed assailing a select list dated 18.07.2015 (Annexure-F), whereby, a list of candidates for appointment on compassionate ground against the vacancy for the year 1996 to 2010 in the Forest Department was published/notified by way of an advertisement.
3. The case of the petitioner is that the petitioner was also empanelled as a candidate as regards the aforesaid period but has wrongly been deprived from such selection.

4. The father of the petitioner was an employee under the Forest Department, Government of Assam who died-in-harness on 04.07.2006 and accordingly, the petitioner filed an application before the employer of the father for consideration of her case for compassionate appointment.

5. The Conservator of Forest (Head Quarter), initially prepared a proposal empanelling as many as 805 candidates for appointment under the Scheme of Compassionate Appointment for the period with effect from 1996 to 2010 against the earmarked quota of 5%. Such list was forwarded to the Principal Secretary to the Government of Assam, Environment & Forest Department, Dispur, Guwahati. Subsequently, the State Level Committee constituted for this purpose, after consideration of the respective claims in a meeting held on 01.04.2015 in the Conference Room of Chief Secretary, Assam, Dispur, decided to recommend the names of candidates year wise from the year 1996 to the year 2010 as reflected in the impugned advertisement/notice dated 18.07.2015.

6. The basic ground of challenge to such list as argued by the writ petitioner is that the persons who were selected against the vacancies of year 2006, do not belong to the said year, but to a different year and thus, the petitioner who actually is entitled for appointment for the vacancy for the year 2006 has been deprived of his right. However, the selected candidates against vacancy of the year 2006, numbered in 9 are not arrayed as party respondents in this writ petition. In the event, if this Court upheld the arguments advanced, any one of the selected person is to give way his post to the petitioner. Such course of action cannot be taken, when these nine persons are not arrayed as respondents in the present writ petition. That being the position, this writ petition cannot be entertained for want of necessary party.

7. Another aspect of the matter is that, the father of the petitioner expired in the year 2006, the select list was published in the year 2015 and the petitioner approached this Court assailing such select list in the year 2018 i.e. after three years from the date of publication of the select list and therefore, on this count also, this writ petition cannot be entertained, inasmuch as validity of a select list cannot be extended beyond one year in absence of any expressed stipulation to that effect.

8. Accordingly, this writ petition stands dismissed for reasons discussed hereinabove.

JUDGE

Comparing Assistant