

GAHC010010702016



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

Case No. : WP(C)/1532/2016

PRANJAL NATH
S/O. SRI PHANIDHAR NATH, R/O. SATGAON KOCHPARA, SANTHIPATH,
HOUSE NO.5, P.O. UDYAN VIHAR, P.S. SATGAON, GHY., DIST. KAMRUPM,
PIN-781171.

VERSUS

THE UNION OF INDIA AND ANR
REP. BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY OF
DEFENCE, SOUTH BLOCK, NEW DELHI, PIN-110011.

2:THE DIRECTORATE OF MANNING PLAN and RECRUITMENT NRO

'C' WING INTEGRATED HEAD QUARTERS
MINISTRY OF DEFENCE NAVY
SENA BHAVAN
NEW DELHI
PIN-110011

Advocate for the Petitioner : MS.R R RAJKUMARI, MR.P KALITA,MR.A AHMED

Advocate for the Respondent : MR.S S ROY, ASSTT.S.G.I.,C.G.C.

Linked Case : WP(C)/1545/2016

SUBHAM SHARMA
S/O- LT. HARI PRASAD SHARMA
R/O- SATGAON BAZAR

DAIMARIPATH
HOUSE NO. 4
P.O.- UDAYAN VIHAR
P.S.- SATGAON
GUWAHATI
PIN- 781171
DIST.- KAMRUP M.

VERSUS

THE UNION OF INDIA and 2 ORS
REP. BY THE SECY. TO THE GOVT. OF INDIA
MINISTRY OF DEFENCE
SOUTH BLOCK
NEW DELHI
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2:THE DIRECTORATE OF MANNING PLAN and RECRUITMENT NRO
'C' WING
INTEGRATED HEAD QUARTERS
MINISTRY OF DEFENCE NAVY
SENA BHAVAN
NEW DELHI
PIN-110011.

3:THE COMMANDANT
151 BASE HOSPITAL
BASISTHA
C/O- 99 APO.

Advocate for : MR. P KALITA
Advocate for : ASSTT.S.G.I. appearing for THE UNION OF INDIA and 2 ORS

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

ORDER

Date : 24.10.2024

None appears for the petitioners even on second call. However, Mr. S. S. Roy, learned Government Advocate, Assam, is present on behalf of all the respondent in both the writ petitions.

The present order would dispose of both the writ petitions being WP(c)1532/2016 and WP(c)1545/2016.

The grievance raised by the petitioners in the present proceedings, pertains to the non-inclusion of their names in the select list for the post of Steward in terms of the advertisement issued by the Indian Navy for recruitment of Cook(MR), Steward(MR) and Topass(Sanitary Hygienist) for Batch 02/2015, Course commencing October, 2015.

The petitioners contend that they had, pursuant to the said advertisement, submitted their respective applications and appeared in the selection process. In terms of the selection procedure as spelt-out in the advertisement, candidates qualifying in the written examination are called for the Physical Fitness Test and thereafter, subjected to medical examination. The petitioners by referring to the provisions of paragraph 11(f) of the said advertisement, contends that they having cleared the written examination and having been called for the Physical Fitness Test as well as being subjected to medical examination, they have to be considered to have qualified in the selection process and accordingly, their names could not have been excluded from the select list so prepared.

The respondents have filed affidavits in the matter and have contended that the petitioner in WP(c)1532/2016 had scored 49 marks, whereas the petitioner in WP(c)1545/2016 had scored 52 marks in the written examination and the cut-off marks for the un-reserved category being 53 for the Batch, in question; the names of the petitioners were not included in the select list so prepared by the respondents.

In the scheme of the selection so held; mere qualifying in the written examination would not be sufficient for inclusion of a candidate in the final select list and such inclusion has to be so made reckoning the marks scored by the candidate and the number of vacancies so available for recruitment. It is on account of such factor that a cut-off mark came to be prescribed in the matter.

Considering the contentions raised by the respondents in the affidavits so filed in the matter and it being the position that the petitioners having not achieved the cut-off marks; this Court is of the considered view that non-inclusion of the names of the petitioners in the select list, is not erroneous.

The above being the position; the present writ petitions are held to be devoid of any merit and accordingly, the same stands dismissed. However, there shall be no order as to costs.

JUDGE

Comparing Assistant