

GAHC010011272017



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

Case No. : WP(C)/478/2017

TRAILUKYA KUMAR NATH
ROLL NO. 21012000501, S/O. DINA BANDHU NATH, R/O. VILL. WABORI,
MIKIRBHETA, MORIGAON, ASSAM.

VERSUS

THE UNION OF INDIA and 7 ORS.
REP. BY THE SECRETARY, MINISTRY OF HOME AFFAIRS, NEW DELHI.

2:THE DIRECTOR GENERAL
CENTRAL RESERVE POLICE FORCE
CENTRAL GOVERNMENT OFFICE COMPLEX
NEW DELHI.

3:THE INSPECTOR GENERAL OF POLICE
NORTH EAST SECTOR
CENTRAL RESERVE POLICE FORCE
SHILLONG
STONEY BISHOP ROAD
SHILLONG
MEGHALAYA
PIN. 793001.

4:THE DEPUTY INSPECTOR GENERAL OF POLICE
ADM
NORTH EAST SECTOR
CENTRAL RESERVE POLICE FORCE
SHILLONG
STONEY BISHOP ROAD
SHILLONG
MEGHALAYA
PIN. 793001.

5:THE DEPUTY INSPECTOR GENERAL OF POLICE

CENTRAL RESERVE POLICE FORCE
GROUP CENTRE
KHATKHATI
KARBI ANGLONG
ASSAM
PIN. 781023.

6:SRI KAMAL KRISHNA BARMAN
S/O. LAL MOHAN BARMAN
ROLL. NO. 21012000422.

7:LUHIT BORA
S/O. DWIJEN BORA
ROLL NO. 21012000500.

8:SHYAM CHANDRA MUTUA
S/O. KULA CHANDRA SINGHA
ROLL NO. 21012000642. COPY TO BE SERVED TO THE PRIVATE
RESPONDENT NO. 6
7 AND 8 THROUGH THE DEPUTY INSPECTOR GENERAL OF POLICE
ADM
NORTH EAST SECTOR
CENTRAL RESERVE POLICE FORCE
SHILLONG
STONEY BISHOP ROAD
SHILLONG
MEGHALAYA
PIN. 793001

Advocate for the Petitioner : MR.R MAZUMDAR

Advocate for the Respondent : MS.B SARMA

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 12-02-2024

Heard Mr. R Mazumder learned counsel for the petitioner.
Also heard Ms. B Sharma learned CGC.

The grievance of the petitioner is that the petitioner

participated in the selection process initiated by the respondent authorities for filling up the post of Constable/Driver in Central Reserve Police Force pursuant to an advertisement dated 22.01.2016.

The petitioner belongs to OBC category and the last selected person in the OBC category has obtained less mark than the petitioner and therefore, the petitioner ought to have been selected for the post earmarked for the OBC category.

The respondent has taken a specific stand that the petitioner did not submit a valid OBC certificate in proper format while making the application for selection pursuant to the advertisement dated 22.01.2016. Though the petitioner had also failed to produce such a certificate at the stage of document verification, the petitioner claims that he had sent an acceptable and due OBC certificate through post. However, the respondents have denied receipt of any such certificate and accordingly contends that in view of non availability of OBC certificate, the petitioner was not considered against OBC category and accordingly, he was not offered appointment.

There is no dispute that the OBC certificate annexed along with the application was not in the format as prescribed under the advertisement and there is also no dispute that the petitioner could not produce the certificate in proper format during the course of verification of record.

In the aforesaid backdrop, this court cannot find fault with the respondent authorities and cannot conclude the respondent authorities had discriminated the petitioner inasmuch as the petitioner cannot be granted benefit of higher marks when he has failed to

submit the OBC certificate at appropriate time and stage in terms of the prescription of the advertisement.

In view of the aforesaid, this court finds no merit in this writ petition and accordingly the same stands dismissed.

Parties to bear their own cost.

JUDGE

Comparing Assistant