

GAHC010015112024



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

Case No. : WP(C)/412/2024

PALASHJYOTI KAUSHIK AND 4 ORS
S/O- LATE SATYABAN SHARMA,
R/O- VILLAGE MAZGAON, KHARAATI,
P.O AND P.S- TEZPUR,
DIST- SONITPUR, ASSAM, PIN-784001

2: PARTHA PROTIM BORUAH
S/O- SRI ANANDA BORUAH
R/O- VILLAGE- BAHGORAH
P.O- MEZENG
P.S- NAZIRA
DIST.- SIVASAGAR
ASSAM- 785685

3: PRADIP KAKATI
S/O- LATE TULSHI KAKATI
R/O- VILLAGE- BALIPUKHURI TINIALI
P.O- BALIPUKHURI TINIALI
P.S- TEZPUR
DIST.- SONITPUR
ASSAM
PIN- 784154

4: MD. ARMAN ALI AHMED
S/O- LT. ABDUR RAHMAN
R/O- VILLAGE- AMLIPUKHURI
P.O- JUGIJAN
P.S- HOJAI
DIST.- HOJAI
ASSAM
PIN- 782429

5: CHANDAN ADHIKARI
S/O- LT. BINODE MOHAN ADHIKARI

R/O- VILLAGE- PACHIM AMRAKANDA
P.O- GARAJAN BAZAR
P.S- RUPAHI
DIST.- NAGAON
ASSAM
PIN- 78212

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM, DISPUR,
ASSAM SECRETARIAT, GUWAHATI-06

2:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
PERSONNEL DEPARTMENT
DISPUR
ASSAM SECRETARIAT
GUWAHATI-06

3:THE PRINCIPAL SECRETARY
TO THE GOVT. OF ASSAM
SOCIAL WELFARE DEPARTMENT
DISPUR
ASSAM SECRETARIAT
GUWAHATI-06

4:THE PRINCIPAL SECRETARY
TO THE GOVT. OF ASSAM
DEPARTMENT OF SOCIAL JUSTICE AND EMPOWERMENT DEPARTMENT
DISPUR
ASSAM SECRETARIAT
GUWAHATI-06

5:THE STATE LEVEL POLICE RECRUITMENT BOARD
ASSAM
REP. BY ITS CHAIRMAN / SECRETARY
MADHABDEVPUR
REHABARI
GUWAHATI-08

6:THE GAUHATI UNIVERSITY
REP. BY ITS REGISTRAR
GOPINATH BORDOLOI NAGAR
JALUKBARI
GUWAHATI-1

Advocate for the Petitioner : MR. S K ROY

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 29/01/2024

Heard Mr. S. K. Roy, learned counsel for the writ petitioners. Perused the averments made in the writ petition.

It appears that pursuant to an advertisement notice dated 30/12/2018 issued by the authorities for filling of a number of backlog vacancies in the categories of Grade-III and Grade-IV, which were reserved for Persons with Disability (PwD), the writ petitioners herein had submitted their applications and were eventually selected. Their names were accordingly, included in the select list published on 31/01/2023. The petitioners were selected by accepting their "Bench Mark" disability as per the certificate issued by the competent authority. However, subsequent to publication of the select list, the petitioners were once again subjected to scrutiny by a specially constituted Medical Board so as to assess the extent of their disability.

Mr. Roy submits that the petitioners have been advised to assail the findings of the Medical Board where there is a difference between the opinion of the special constituted Medical Board with the "Bench Mark" disability certificate issued by the nodal agency. However, since the select list is expiring on 31/01/2024, unless the validity of the select list is extended for a further period of one year, the interest of the petitioners would suffer serious prejudice. Hence, this writ petition

Responding to the above, Mr. P.J. Phukan, learned Standing Counsel, Gauhati University, appearing for the respondent no. 6 and Ms. R.M. Deka, learned Standing Counsel, Social Justice and Empowerment, Assam, appearing for the respondent no. 4 and Mr. C.K. S. Baruah, learned Government Advocate, Assam, appearing for the respondent nos. 1, 2, 3 & 5, have all submitted that

if the prayer of the petitioner is only for extending the validity of the select list, they would have no objection to the said prayer, subject to the condition that the order of this Court be confined only to the cases of the 5(five) petitioners herein. Mr. S.K. Roy, learned counsel for the petitioners is also agreeable to such an order.

In view of the above, without expressing any opinion on the claims and counter claims of the parties in so far as the "Bench Mark" disability is concerned, this writ petition is being disposed of by providing that the validity of the select list dated 24/01/2023 (Annexure-6) shall stand extended for a further period of 1(one) year with effect from 30/01/2024. However, this order would remain confined to only the five petitioners in present writ petition.

With the above observations, the writ petition stands disposed of.

JUDGE

sukhamay

Comparing Assistant