

GAHC010016492018



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

Case No. : WP(C)/730/2018

NAZRUL ISLAM AND 29 ORS
S/O. LT. BILAT ALI, VILL. DUMUNICHOWKI, P.O. MARUACHOWKI, P.S.
SIPAJHAR, DIST. DARRANG, ASSAM

2: HARMOHAN SAIKIA
S/O. PRABIN SAIKIA
VILL. SAIKIAPARA
P.O. MENAPARA
DIST. DARRANG
ASSAM

3: JAGADISH DEKA
S/O. HARA KANTA DEKA
VILL. NIZ-DAHI
P.O. DIGHIRPAR
DIST. DARRANG
ASSAM

4: BIPUL CH. DAS
S/O. LT. SADANANDA DAS
VILL. BHEBARGHAT BANIAPARA NO.2
P.O. MANGALDOI
DIST. DARRANG
ASSAM

5: NUR MAHAMMAD ALI

LT. HAZI TURUB ALI
VILL. NON K. GADHUA
P.O. KANGALDOI
DIST. DARRANG

6: RAJIB KUMAR DEKA

S/O. NITYANANDA DEKA
VILL. DAKSCAKI
P.O. DHULA
DIST. DARRANG

7: LABA KUMAR BARUA
S/O. KAMI RAM BARUA
VILL. TAMULIPARA
P.O. DAHI NAGAON
DIST. DARRANG

8: ISLAM AHMED

S/O. HABIBAR RAHMAN
VILL. KANAICHUBA
P.O. RAJGHAT
DIST. DARRANG

9: KISHOR PRASAD SARMAH

S/O. UPENDRA PRASAD SARMAH
VILL. KALJURI
P.O. KHAIRABARI
DIST. DARRANG

10: ABDUL ZALIL

S/O. LT. RAKAM ALI
VILL. W/NO.7
MANGALDOI
P.O. CHAPAI CHOWKA
DIST. DARRANG

11: MANORANJAN DEV SARMAH

S/O. LT. KESHAB CH. SARMAH
VILL. SARUTHEKERABARI
P.O. AULAKHOWA
DIST. DARRANG

12: BIRAS ALI

S/O. LT. MASER ALI

VILL. NO.2 PUNIA
P.O. NO.1 PUNIA
DIST. DARRANG

13: MOHBUR RAHMAN
S/O. IBRAHIM ALI
VILL. JUGIPARA
P.O. BALABARI
DIST. DARRANG

14: BIRINCHI KR. BARUA
S/O. SISHU RAM BARUA
VILL. SIAKIAPARA
P.O. MENAPARA
DIST. DARRANG

15: HEMANTA KALITA

S/O. HARENDRA KALITA
VILL BEZPARA
P.O. MENAPARA
DIST. DARRANG

16: NUR ABU SAYED

S/O. SAKENDER ALI
VILL. PANIAKHAT
P.O. DHULA
DIST. DARRANG

17: AZMAL HUSSAIN

S/O. ABDUL HUSSAIN
VILL. TORAGAON
P.O. KENDUGURI
DIST. DARRANG

18: GAUTAM SARMAH

S/O. BOJOY CH. SARMAH
VILL. BARIGAON
P.O. BARIGAON NO.2
DIST. DARRANG

19: MAZNUR ALI

S/O. LT. MAZIBUR RAHMAN
VILL. SINGIMARI
P.O. KHANDAJAN
DIST. DARRANG

20: BHABESH DEKA

S/O. LT. TILAK DEKA
VILL. KUWARIGAON
P.O. HAZARIKAPARA
DIST. DARRANG

21: DULAN CH. NATH
S/O. TANKESWAR NATH
VILL. GERIMARI
P.O. MANGALDOI
DIST. DARRANG

22: DHRUBA JYOTI DEKA
S/O. ORABIN CH. DEKA
VILL. TANGALA
P.O. PUROBAHA
DIST. BARPETA

23: SIRAJUL ISLAM
S/O. MAJUDDIN AHMED
VILL. SANOWA
DIST. DARRANG

24: JAINAL ALI

S/O. LT. MEHER ALI
VILL. SALMARA
P.O. GANESH KUWARI
DIST. UDALGURI

25: SAILENDRA SARMAH

S/O. UPENDRA SARMAH
VILL. TANGLA CHITRA NAGAR
P.O. TANGLA
DIST. UDALGURI

26: INAL HOQUE
S/O. JAHIR UDDIN
VILL. BARJHAR

P.O. BHERBHERI
DIST. DARRANG

27: ABHINANDAN DEKA

S/O. TARINI KANTA DEKA
VILL. UDMARI
P.O. TENGAMARI
DIST. DARRANG

28: ARUN JYOTI DEKA

S/O. CHAKRADHAR DEKA
VILL. KALITAPARA
P.O. BORKOLA CHOWKA
DIST. UDALGURI

29: DEBAJIT BARMAN
S/O. BHABENDRA NATH BARMAN
VILL. PANIGAON
P.O. PANIGAON
DIST. DARRANG

30: DIPAK DAS

S/O. KHARGESWAR DAS
VILL. BATAKUCHI
P.O. CHAYGAON
DIST. KAMRUP (R

VERSUS

THE STATE OF ASSAM
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, DEPTT. OF
HOME, DISPUR, GHY.

2:THE DIRECTOR GENERAL OF POLICE

HEAD QUARTERS
ULUBARI
GHY.

3:THE ASSTT. INSPECTOR GEN. OF POLICE (A)

ASSAM POLICE HEAD QUARTERS

ULUBARI
GHY.

4:THE SUPDT. OF POLICE

DARRANG
MANGALDOI
ASSAM

5:RANJIT KHERIA
WPC 99

THE SERVICE OF THE NOTICES TO THE RESPDT. NOS. 5 TO 30 WILL BE
DONE THROUGH THE OFFICIAL RESPONDENT NO.3

6:LAXMI TERONPI WPC 295

THE SERVICE OF THE NOTICES TO THE RESPDT. NOS. 5 TO 30 WILL BE
DONE THROUGH THE OFFICIAL RESPONDENT NO.3

7:DIPIKA BASUMATARY 467

THE SERVICE OF THE NOTICES TO THE RESPDT. NOS. 5 TO 30 WILL BE
DONE THROUGH THE OFFICIAL RESPONDENT NO.3

8:POLI BASUMATRAY WPC 626

THE SERVICE OF THE NOTICES TO THE RESPDT. NOS. 5 TO 30 WILL BE
DONE THROUGH THE OFFICIAL RESPONDENT NO.3

9:ANJANA GOGOI WPC 505

THE SERVICE OF THE NOTICES TO THE RESPDT. NOS. 5 TO 30 WILL BE
DONE THROUGH THE OFFICIAL RESPONDENT NO.3

10:PARISHMITA GOGOI WPC 60

THE SERVICE OF THE NOTICES TO THE RESPDT. NOS. 5 TO 30 WILL BE
DONE THROUGH THE OFFICIAL RESPONDENT NO.3

11:RAMJIM HANDIUE WPC 203

THE SERVICE OF THE NOTICES TO THE RESPDT. NOS. 5 TO 30 WILL BE
DONE THROUGH THE OFFICIAL RESPONDENT NO.3

12:ALI BORGUHAIN WPC 507

THE SERVICE OF THE NOTICES TO THE RESPDT. NOS. 5 TO 30 WILL BE
DONE THROUGH THE OFFICIAL RESPONDENT NO.3

13:SWAPNA MOHAN WPC 929

THE SERVICE OF THE NOTICES TO THE RESPDT. NOS. 5 TO 30 WILL BE
DONE THROUGH THE OFFICIAL RESPONDENT NO.3

14:JUNMONI GOGOI WPC 927

THE SERVICE OF THE NOTICES TO THE RESPDT. NOS. 5 TO 30 WILL BE

DONE THROUGH THE OFFICIAL RESPONDENT NO.3

15:KARABI DAS WOC 942

THE SERVICE OF THE NOTICES TO THE RESPDT. NOS. 5 TO 30 WILL BE
DONE THROUGH THE OFFICIAL RESPONDENT NO.3

16:NIJUMANI DEORI WOC 943

THE SERVICE OF THE NOTICES TO THE RESPDT. NOS. 5 TO 30 WILL BE
DONE THROUGH THE OFFICIAL RESPONDENT NO.3

17:JURIMONI BORAH WPC 937

THE SERVICE OF THE NOTICES TO THE RESPDT. NOS. 5 TO 30 WILL BE
DONE THROUGH THE OFFICIAL RESPONDENT NO.3

18:MOMI DEVI WPC 178

THE SERVICE OF THE NOTICES TO THE RESPDT. NOS. 5 TO 30 WILL BE
DONE THROUGH THE OFFICIAL RESPONDENT NO.3

19:JUNMONI DAS WPC 840

THE SERVICE OF THE NOTICES TO THE RESPDT. NOS. 5 TO 30 WILL BE
DONE THROUGH THE OFFICIAL RESPONDENT NO.3

20:SIMA RABIDAS WPC 436

THE SERVICE OF THE NOTICES TO THE RESPDT. NOS. 5 TO 30 WILL BE
DONE THROUGH THE OFFICIAL RESPONDENT NO.3

21:MAUCHUMI RAY WPC 479

THE SERVICE OF THE NOTICES TO THE RESPDT. NOS. 5 TO 30 WILL BE
DONE THROUGH THE OFFICIAL RESPONDENT NO.3

22:MEGHALI DUTTA WPC 201

THE SERVICE OF THE NOTICES TO THE RESPDT. NOS. 5 TO 30 WILL BE
DONE THROUGH THE OFFICIAL RESPONDENT NO.3

23:MOMI GOHAIN WPC 503

THE SERVICE OF THE NOTICES TO THE RESPDT. NOS. 5 TO 30 WILL BE
DONE THROUGH THE OFFICIAL RESPONDENT NO.3

24:KUKUIMONI TAMULI WPC 243

THE SERVICE OF THE NOTICES TO THE RESPDT. NOS. 5 TO 30 WILL BE
DONE THROUGH THE OFFICIAL RESPONDENT NO.3

25:MUNMI PHUKAN WPC 139

THE SERVICE OF THE NOTICES TO THE RESPDT. NOS. 5 TO 30 WILL BE
DONE THROUGH THE OFFICIAL RESPONDENT NO.3

26:MRINALINI SARMAH WPC 951

THE SERVICE OF THE NOTICES TO THE RESPDT. NOS. 5 TO 30 WILL BE

DONE THROUGH THE OFFICIAL RESPONDENT NO.3

27:MANIKA CHUTIA WPC 712

THE SERVICE OF THE NOTICES TO THE RESPDT. NOS. 5 TO 30 WILL BE
DONE THROUGH THE OFFICIAL RESPONDENT NO.3

28:RUMIARA BEGUM WPC 923

THE SERVICE OF THE NOTICES TO THE RESPDT. NOS. 5 TO 30 WILL BE
DONE THROUGH THE OFFICIAL RESPONDENT NO.3

29:BIMA BORAH WPC 933

THE SERVICE OF THE NOTICES TO THE RESPDT. NOS. 5 TO 30 WILL BE
DONE THROUGH THE OFFICIAL RESPONDENT NO.3

30:PUNI MECH PAUL WPC 127

THE SERVICE OF THE NOTICES TO THE RESPDT. NOS. 5 TO 30 WILL BE
DONE THROUGH THE OFFICIAL RESPONDENT NO.

Advocate for the Petitioner : MR A CHOUDHURY

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

02.05.2024

Heard Shri D. Deka, learned counsel for the petitioners whereas Shri D. Nath, learned Senior Government Advocate is present for the official respondents.

2. The facts as projected in the writ petition are that the petitioners are working as Constables in the Armed Branch of the Assam Police since their appointment in the year 2001. A Circular No. 4 of 2013 was floated enabling conversion of Constables from Armed Branch to Unarmed Branch.

3. It is the case of the petitioners that they meet the criteria laid down in the said Circular, more particularly with regard to educational qualification, minimum length of service, no court case or Disciplinary Proceeding and no major penalties being inflicted upon them during their tenure as constables in the Armed Branch.

4. Shri Deka, the learned counsel for the petitioners has submitted that pursuant to the aforesaid Circular, the petitioners had submitted a representation dated 21.12.2013 for such conversion and accordingly, the Superintendent of Police, Darrang, Mangaldoi had sent a list of such candidates to the Additional Director General of Police Administration on 10.11.2014. It is claimed that the aforesaid list contains the names of the petitioners. The petitioners were however surprised to learn that vide a select list dated 22.09.2015, 1127 numbers of Women Police Constables were converted from Armed Branch to Unarmed Branch and such Women Police Constables were junior to the petitioners.

5. The learned counsel has also drawn the attention of this Court to an earlier writ petition filed by similarly situated persons in which there was an order dated 14.10.2015 to keep certain posts of constables in the Unarmed Branch vacant.

6. The contention of the learned counsel for the petitioners is that they being eligible for such conversion as per the Circular in force, their cases ought to have been considered and they be given the benefit of conversion from Armed Branch to Unarmed Branch.

7. Shri D. Nath, learned State Counsel has fairly submitted that factually there is no dispute with the projection made. However, the conversion was made for woman constables as there was an immediate need which was in sync with the public interest. The learned State Counsel however fairly concedes that if the petitioners are fulfilling the criteria laid down in the Circular No. 4 of 2013, their cases would be considered in accordance with law and seniority.

8. The learned State Counsel submits that though a formal affidavit-in-opposition has not been filed, there are detailed written instructions forwarded vide letter dated 22.11.2022. The learned State Counsel has relied upon the response to paragraph 14 of the writ petition which reads as follows:

“Para 14 : As stated in foregoing paragraphs. Further, it is to mention that the

conversion of Armed Branch (AB) Constables is a continuous process and it is going on as per seniority cum merit list. When the petitioners turn will come they will be converted to Unarmed Branch (UB) Constables subjected to the fulfilment of required criteria for such conversion. The conversion process is also subjected to the vacancy position of UB Constables in Assam Police."

9. The learned State Counsel submits that it is the categorical stand of the official respondents that the process of conversion from Armed Branch to Unarmed Branch is a continuous process and as and when the turn of the petitioners would come, their cases would definitely be considered along with similarly situated persons.

10. After hearing the learned counsel for the parties, this Court is of the opinion that the action to give benefit of conversion from Armed Branch to Unarmed Branch in the Assam Police to Women Police Constables which has been submitted to be as per an immediate requirement and for public interest, may not be found fault with. At the same time, the right of a fair consideration of the petitioners for giving benefit of such conversion from Armed Branch to Unarmed Branch cannot be taken away.

11. In view of the aforesaid facts and circumstances, this Court is of the view that a due consideration of the cases of the petitioners for such conversions from Armed to Unarmed Branch is required to be done on a priority basis, more so when it is on record that in the list dated 10.11.2014 sent by the Superintendent of Police, Darrang, the names of the petitioners had figured and in the meantime, almost a decade has passed. To facilitate the respondents to undertake the exercise, the petitioners may submit a fresh representation along with a copy of this order for doing the needful.

12. Writ petition accordingly stands disposed of.

13. A copy of the written instructions is made part of the records.

JUDGE

Comparing Assistant