

GAHC010034572017



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

Case No. : WP(C)/4853/2017

ARUP KUMAR NATH
S/O SHRI GIRISH CHANDRA NATH R/O VILL- MADHUPUR, P.O.
MADHUPUR P.S. NAGAON SADAR, DIST. NAGAON, ASSAM- 782003 EMAIL
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VERSUS

THE STATE OF ASSAM and 30 ORS
REP. BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM,
AGRICULTURE DEPARTMENT, ASSAM SECRETARIAT, DISPUR, GUWAHATI
- 781006.

Advocate for the Petitioner : MR. P D NAIR

Advocate for the Respondent : MR. S CHAMARIA

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

19.07.2024

Heard Shri A. Chetri, learned counsel for the petitioner. Also heard Ms. J. Bora, learned Standing Counsel, Agriculture Department, Shri T.J. Mahanta, learned Senior Counsel for the APSC assisted by Ms. P. Sharma, learned counsel,

Ms. S. Boro, learned counsel appearing on instructions of Shri R. B. Bora, learned counsel for the BTC and Shri B. Baruah, learned counsel for the private respondents nos. 12 to 30.

Though notice has been served upon respondent no. 31, none has appeared. This Court has however been informed that the respondent no. 31 has passed away and in this regard there is an order dated 12.11.2021.

The petitioner was an aspirant for the post of Agricultural Developmental Officer in a selection process initiated by the APSC in the year 2013. An advertisement was published on 05.04.2013 in this regard for filling up 80 nos. of post of Agricultural Developmental Officers under the Agriculture Department and the examination was on the basis of Multiple Choice Objective Type Screening Test (OMR). Accordingly, a Screening Test was held on 04.05.2014 and the declaration of result was made on 07.07.2015. Thereafter, the viva-voce was held on 04.08.2015 in which the petitioner has claimed to have participated.

The Department had thereafter issued a merit list of 80 candidates on 04.02.2016 in which the name of the petitioner did not figure. The principle ground of challenge is that the petitioner has secured more marks in the screening process than the persons who have been selected and made private respondents.

Shri Chetri, the learned counsel for the petitioner submits that the selection is accordingly liable to be interfered with by considering the marks obtained by the petitioner in the Screening Test.

Shri Mahanta, the learned Senior Counsel for the APSC has however submitted that Screening Test is only to shortlist candidates who had applied for

the said post and would not be decisive in the ultimate selection of the candidate. By referring to the affidavit-in-opposition filed on 05.01.2018, more particularly, the averments made in paragraph 11, the learned Senior Counsel has submitted that the selection and appointment were made strictly in accordance with law and no prejudice was caused to any of the candidates including the petitioner.

The learned counsel for the Department as well as the other Counsel have endorsed the views of the learned Senior Counsel for the APSC.

Shri Baruah, the learned counsel for the selected candidates has submitted that his clients were selected in accordance with merit and there is no illegality in their selection and appointment.

The challenge is based on the ground that the petitioner claims to have secured more marks in the Screening Test. However, as the name itself suggests, the Screening Test is only for shortlisting of candidates who had applied for the post to face the viva-voce. The said position is also explained by the APSC in the affidavit-in-opposition as mentioned above.

This Court has also taken into consideration that the appointments were made in the year 2016 and till now more than 8 (eight) years have passed.

In view of the aforesaid facts and circumstances, this Court is of the opinion that the petitioner is not able to make out a case for interference and accordingly, the same is dismissed.

JUDGE

Comparing Assistant