

GAHC010090572024



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

Case No. : WP(C)/2421/2024

SABITA BANIYA GOHAIN
W/O- SRI PRABHAT GOHAIN, R/O- VILL.- KUKURJAN, P.O. GOHPUR, DIST.
BISWANATH, ASSAM

VERSUS

THE MANAGING DIRECTOR,
ASSAM STATE DEVELOPMENT CORPORATION FOR SCHEDULED CASTES
LIMITED ,GUWAHATI-06, DIST. KAMRUP(M), ASSAM

Advocate for the Petitioner : MR. R BORA

Advocate for the Respondent : SC. ASDC FOR SC

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

13.05.2024

Heard Mr.R.Bora, learned counsel for the petitioner. Also heard Ms.Toshisenla, learned counsel for the respondents.

2. The case of the petitioner is that she belongs to a Scheduled Caste (SC) category and hails from an extremely poor background. She had submitted an

application before the Managing Director, Assam State Development Corporation for Schedule Castes Limited, Assam on 22.02.2020 to engage her as a peon. Accordingly, the petitioner along with others were appointed as casual labourers. However, on 01.08.2021, the service of the petitioner was discontinued. The representations that were submitted before various authorities including the respondent did not yield any result, and therefore, this writ petition has been filed under Article 226 of the Constitution of India with a prayer to direct the respondent authorities to consider the representation of the petitioner for being engaged as a casual labourer.

3. The learned counsel for the petitioner has submitted that although the service of the petitioner was discontinued but engagement of several other persons as casual labourers are being continued.

4. The Court is unable to give a seal of approval to appointment of persons, even as a casual labourer on the basis of representation, as such a procedure for giving employment is contrary to the principle of public employment and hence, this procedure is hit by Article 14 of the Constitution of India, as because others, who may be requiring the job and having requisite qualification are deprived of applying for the job.

5. Therefore, notwithstanding that the respondent might have allegedly illegally appointed others, but in such matters, the right to negative equality cannot be enforced by the petitioner.

6. Therefore, as the manner in which the petitioner is seeking employment is contrary to the public policy, this writ petition cannot be entertained and

accordingly the same is dismissed.

JUDGE

Comparing Assistant