

GAHC010124942024



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

Case No. : WP(C)/3322/2024

SAJAL SINHA AND 2 ORS
S/O- SUSHIL SINHA,
R/O- VILL AND P.O.- BHURUNGA,
P.S.- PATHARKANDI,
DIST.- KARIMGANJ, ASSAM,
PIN- 788724.

2: SHAMBU SINHA
S/O- SASHI MOHAN SINHA

R/O- VILL- SINGARI

P.O. AND P.S.- PATHARKANDI

DIST.- KARIMGANJ
ASSAM

PIN- 788724.

3: NAYAN KUMAR RAY
S/O- SRI MAHIN CHANDRA RAY

R/O- VILL- BORGHOLA PT-I

P.O.- SRIJANGRAM

P.S.- ABHAYAPURI

DIST.- BONGAIGAON
ASSAM

PIN- 783334

VERSUS

THE UNION OF INDIA AND 9 ORS
REPRESENTED BY THE SECRETARY TO THE MINISTRY OF HOME
AFFAIRS,
GOVT. OF INDIA, NEW DELHI-1.

2:THE STAFF SELECTION COMMISSION
REPRESENTED BY THE CHAIRMAN

BLOCK-12
CGO COMPLEX

LODHI ROAD
NEW DELHI-03.

3:THE REGIONAL DIRECTOR
STAFF SELECTION COMMISSION
GUWAHATI
ASSAM
HOUSEFED COMPLEX

DISPUR
GUWAHATI-6.

4:THE DIRECTOR GENERAL
BORDER SECURITY FORCE
BLOCK NO. 10
CGO COMPLEX

LODHI ROAD
NEW DELHI-03.

5:THE DIRECTOR GENERAL
SASHATRA SEEMA BAL
5-6
VIVEKANANDA MARG
EAST BLOCK

R.K. PURAM
NEW DELHI
22.

6:THE DIRECTOR GENERAL
CENTRAL RESERVE POLICE FORCE
(RECRUITMENT)
EAST BLOCK-07
LEVEL-4
SECTOR- 01

R.K. PURAM
NEW DELHI- 06.

7:THE DIRECTOR GENERAL
CENTRAL INDUSTRIAL SECURITY FORCE
BLOCK NO. 13
CGO COMPLEX

LODHI ROAD
NEW DELHI
03.

8:THE DIRECTOR GENERAL
CENTRAL RESERVE POLICE FORCE
CGO COMPLEX
LODHI ROAD
NEW DELHI
03.

9:THE DIRECTOR GENERAL
ASSAM RIFLES
NONGRIMMAW
LAITHMUKHRAH

GAROLINE
SHILLONG
MEGHALAYA

PIN- 793011.

10:THE DIRECTOR GENERAL
INDO TIBETAN BORDER FORCE
BLOCK NO. 10
LODHI ROAD

PRAGATI VIHAR
NEW DELHI-03

Advocate for the Petitioner : MR. U SAIKIA

Advocate for the Respondent : DY.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 28-06-2024

Heard Mr. S.D. Roy, learned counsel for the petitioners and Ms. B. Sarma, learned Central Government Counsel appearing for the respondents.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioners are praying for quashing of the result/select list dated 21.01.2021 in respect of recruitment of Constables (GD) in Central Armed Police Force (CAPFs), NIA & SSF and Rifleman (GD) in Assam Rifles, 2018 and for a direction to the respondent authorities to publish a fresh result/revised select list in respect of the State of Assam by treating the candidature of the petitioners in the Unreserved Category.

3. The learned Central Government Counsel has submitted that as per the instructions received by her, all the posts advertised had been filled up and resultantly, there are no vacancies for considering the appointment of the petitioners.

4. The petitioners claim that they belong to the OBC category and they claim that they have secured more marks than the last candidate in the Unreserved Category. Accordingly, the petitioners claim that they are entitled for appointment in the said posts.

5. The learned counsel for the petitioners has further submitted that under similar circumstances, in another writ petition, notice of motion has been issued

by this Court.

6. This Court is of the considered opinion that since all the advertised posts, pursuant to the advertisement dated 21.07.2018 had been filled up, the present writ petition is not maintainable on the ground of delay and laches as the results were already declared on 21.01.2021.

7. The fact that notice of motion had been issued in another writ petition shall not come in the way of not entertaining the present writ petition on the ground of delay and laches in approaching the Court after more than 3(three) years, that too, after all the posts of Constables (GD) in Central Armed Police Force (CAPFs), NIA & SSF and Rifleman (GD) in Assam Rifles, 2018 has been filled up.

8. Accordingly, the Court does not find any merit in this writ petition and the writ petition stands dismissed on the ground of delay and laches.

JUDGE

Comparing Assistant