

GAHC010135002019



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

Case No. : WP(C)/4409/2019

RATUL BORAH
S/O- SRI ATUL CHANDRA BORAH, R/O- BAAM MUDOI GAON, DIST-
JORHAT, ASSAM, PIN- 785101

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM,
SOCIAL WELFARE DEPTT, DISPUR, GUWAHATI- 781006

2:THE DIRECTOR OF SOCIAL WELFARE
ASSAM
UZAN BAZAR
GUWAHATI- 781001

3:THE PROGRAMME OFFICER
DIVISIONAL ICDS CELL
JORHAT
PIN- 785001

4:THE DISTRICT SOCIAL WELFARE OFFICER
JORHAT
PIN- 785001

5:THE CHILD DEVELOPMENT PROJECT OFFICER
KALIAPANI ICDS PROJECT
TEOK
JORHAT
PIN- 78511

Advocate for the Petitioner : MS. A DEVI

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 29.07.2024

Heard Ms. A. Devi, learned Legal Aid Counsel appearing for the petitioner.

The petitioner by way of instituting the present writ petition has presented a challenge to an order dated 30.09.2018, issued by the Director of Social Welfare, Assam, rejecting the claim of the petitioner for appointment against the Grade-IV post in pursuance to a recruitment process as undertaken in the matter.

The petitioner herein had participated in a recruitment process held for the post of Grade-IV, as existing in the establishment of the District Social Welfare Office, Jorhat. It is to be noted that three vacancies were so identified in Grade-IV category in the said Office and the same was put up for recruitment.

On conclusion of the recruitment process, which were held at the District Level, the Director of Social Welfare, Assam had constituted a committee at the State level for considering the recommendation as made by the District Level Selection Boards.

On due consideration of the matter and by applying the ratio of 1:4 i.e. against one post selecting four persons, a select list was so prepared and published vide notification dated 11.11.2005, wherein against the category of Grade-IV for the District of Jorhat, the name of the petitioner was placed at Serial No.4 on merit.

It is to be noted that the roll numbers of 12 candidates were so reflected in the select list, which corresponds to 1:4 ratio and the same also establishes that there were three posts put up for recruitment in Grade-IV category in the establishment of the District Social Welfare Office, Jorhat.

The petitioner not having been so appointed in terms of the said select list, he had approached this Court by way of instituting WP(C) 5090/2018 i.e. after around 13 years from the date when the process of the said recruitment was so initiated. This Court vide order dtd 03.08.2018 proceeded to dispose of the said writ petition granting liberty to the petitioner to file a fresh representation before the

State respondents within ten days and thereafter requiring the State respondents, in their discretion, to consider the case of the petitioner for appointment to Grade-IV vacant post.

Accordingly, the petitioner having submitted a representation, the Director of Social Welfare, Assam vide an order dated 30.09.2018 proceeded to consider the grievance of the petitioner and on such consideration proceeded to reject the claim of the petitioner for appointment against a Grade-IV post in the establishment of the District Social Welfare Office at Jorhat.

A perusal of the order dated 30.09.2018 would reveal that the Director had noticed the fact that only three vacancies were notified for recruitment in Jorhat district under Grade –IV category and three candidates on selection had already joined against the said posts.

Accordingly, the claim of the petitioner was so rejected.

In the present proceeding, the petitioner has not raised any dispute with regard to his placement on merit in the select list. There being no post available for accommodating the petitioner in terms of the merit position as obtained by him in the said selection process, the rejection of the claim by the Director of Social Welfare Assam vide order 30.09.2018, would not call for any interference.

In view of the said conclusion drawn by this Court, the present writ petition is held to be devoid of any merit and accordingly, the same stands dismissed.

However, there would be no order as to costs.

JUDGE

Comparing Assistant