

GAHC010154362020



2024:GAU-AS:12472-DB

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

Case No. : WA/164/2020

BIKASH UPADHYAYA
S/O- SARANANDA UPADHYAYA, R/O- VILL.- PANI BHARAL, KOROINI
ROAD, P.O. PANI BHARAL, P.S. AND DIST.- BISWANATH CHARIALI, ASSAM,
PIN- 784176.

VERSUS

1: THE STATE OF ASSAM AND 3 ORS. REP. BY THE CHIEF SECRETARY TO
THE GOVT. OF ASSAM, DISPUR, GUWAHATI- 781006.

2: THE ASSAM PUBLIC SERVICE COMMISSION
REP. BY ITS CHAIRMAN JAWAHAR NAGAR GUWAHATI- 781022.

3: THE SECRETARY ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR KHANAPARA- 781022.

4: THE PRINCIPAL CONTROLLER OF EXAMINATIONS ASSAM PUBLIC
SERVICE COMMISSION JAWAHAR NAGAR KHANAPARA GUWAHATI-
781022

For the Appellant(s) : Mr. J. Roy, Senior Advocate, assisted by Mr. R. Hazarika, Advocate.

For the Respondent(s) : Mr. T.J. Mahanta, Senior Advocate and Standing Counsel, APSC,
assisted by Ms. P. Sarma, Advocate for respondent Nos.2, 3 & 4.

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

11.12.2024
(Vijay Bishnoi, CJ)

By this writ appeal, the appellant has challenged the order dated 09.10.2020 passed by the learned Single Judge in WP(C) No.2587/2020, whereby the learned Single Judge has dismissed the writ petition.

The appellant/writ petitioner has approached the Writ Court questioning the selection process of the Combined Competitive Examination, 2018 (hereinafter to be referred as "CCE, 2018") conducted by the Assam Public Service Commission (APSC). The appellant/writ petitioner has claimed that several irregularities have been committed by the APSC while conducting the CCE, 2018 and on account of that, the whole selection process is vitiated.

The learned Single Judge has non-suited the appellant/writ petitioner on the ground that after declaration of the result of the Preliminary Examination, the appellant/ writ petitioner has not questioned the process of selection conducted by the APSC and has chosen to appear in the further stage of the Examination, i.e. Written Examination. The learned Single Judge has observed that when the appellant/writ petitioner had failed to clear the Written Examination and had failed to get a favourable result, he turned around and has challenged the selection process on the ground of illegalities committed by the APSC. The learned Single Judge has observed that such a course is not permissible and, therefore, no relief can be granted to the appellant/writ petitioner. The learned Single Judge has also observed that the appellant/writ petitioner had failed to implead those persons as party respondents, who had cleared the CCE, 2018 and in the absence of the selected candidates as party respondents, the relief prayed for by the appellant/ writ petitioner cannot be granted.

Having heard the learned counsel for the appellant/ writ petitioner and after going through the material available on record, we are of the view that the findings of the learned Single Judge in the facts and circumstances of the case cannot be said to be illegal or unreasonable. Otherwise also, the selection process, pursuant to the CCE, 2018, has already been completed and the

selected persons have also been provided with appointment in January, 2021. Hence, on this ground also, we are of the view that the challenge of the appellant/writ petitioner to the impugned order dated 09.10.2020 passed by the learned Single Judge as well as the process of examination of CCE, 2018, is not liable to be entertained. Accordingly, the writ appeal stands dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant