

GAHC010164172023



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

Case No. : WP(C)/4254/2023

JEMANANDA RAY
S/O- DINESH CHANDRA RAY,
R/O- VILL.- PATILADAHHA,
P.O.- PATILADAHHA, P.S.- MANIKPUR,
DIST.- BONGAIGAON, ASSAM,
PIN- 783391.

VERSUS

THE UNION OF INDIA AND 8 ORS
REPRESENTED BY THE SECRETARY TO THE UNION OF INDIA,
MINISTRY OF HOME AFFAIRS,
NEW DELHI-110001.

2:THE STAFF SELECTION COMMISSION (SSC)
REPRESENTED BY THE CHAIRMAN/ SECRETARY

STAFF SELECTION COMMISSION

BLOCK-12
CGO COMPLEX
LODHI ROAD

NEW DELHI- 110003.

3:THE REGIONAL DIRECTOR (NER)
STAFF SELECTION COMMISSION
RUKMINI NAGAR
GUWAHATI-06.

4:THE DIRECTOR GENERAL
BORDER SECURITY FORCE (BSF)
BLOCK NO. 10
LODDHI ROAD

PRAGATI VIHAR
NEW DELHI- 110003.

5:THE DIRECTOR GENERAL
CENTRAL INDUSTRIAL SECURITY FORCE (CISF)
BLOCK NO. 13
CGO COMPLEX

NEW DELHI-110003.

6:THE DIRECTOR GENERAL
CENTRAL RESERVE POLICE FORCE (CRPF)
CGO COMPLEX
LODHI ROAD

NEW DELHI-110003.

7:THE DIRECTOR GENERAL
ASSAM RIFLES
NONGRIMMAW
LAITHMUKHRAH

GORALINE SHILLONG

MEGHALAYA- 793011.

8:THE DIRECTOR GENERAL
INDO TIBETAN BOARDER FORCE (ITBP)
BLOCK NO. 10
LODHI ROAD

NEW DELHI-110003.

9:THE DIRECTOR GENERAL
SHAHASRA SEEMA BAL (SSB)
5-6
VIVEKANANDA MARG
EAST BLOCK
R.K. PURAM

NEW DELHI- 110022

Advocate for the Petitioner : MR. K R PATGIRI

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

BEFORE
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

:: O R D E R ::

01-05-2024

Heard Ms. K. Barman, learned counsel for the petitioner. Also heard Ms. B. Sarma, learned Central Government Counsel for the respondents.

2. The petitioner belongs to the OBC candidate and he participated in the selection process for recruitment to the post of Constable (GD) in the Central Armed Police Forces, pursuant to the advertisement dated 21-07-2018. The petitioner, despite belonging to the reserved category, secured more marks than some of the general category candidates in the selection process. However, the appointment order was not issued to the petitioner on the ground that he had availed the chest and height relaxation prescribed for all the candidates for the State of Assam. Therefore, the stand of the respondents is that the petitioners could have been considered only for reserved category and not for general category.

3. The learned counsel for the petitioner submits that this case is covered by the order dated 05-01-2024, passed in WP(C) No. 7588 of 2023.

4. Ms. B. Sarma, learned Central Government Counsel also fairly submits that the present case is covered by the order dated 05-01-2024 passed in WP(C) No. 7588 of 2023. She also submits that the petitioner can be appointed against General Category post provided his marks are higher than the last selected General Category candidates.

5. After hearing the learned counsel for the parties and on perusal of the order dated 05-01-2024, passed in WP(C) No. 7588 of 2023, this Court finds

that the present case is a covered case. Accordingly, this Court is of the view that relaxation in height and chest availed by the petitioner cannot disentitle him for consideration against the general candidate vacancies if he has secured more marks than the last selected General Category candidates.

6. In that view of the matter, this Court directs the respondents to accommodate the petitioner as and when vacancy arises to the post of Constable (GD) in any Central Armed Police Forces after verifying whether the petitioner has secured higher marks than the last selected General Category candidates.

7. With the above observations and directions, this writ petition is disposed of.

JUDGE

Comparing Assistant