

GAHC010173392024



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

Case No. : WP(C)/4425/2024

MANASH PROTIM GOGOI
SON OF SRI GUPI NATH GOGOI, R/O- VILL- DENOW BORUAH CHANGMAI,
P.O. DEHAJAN HABI, DIST.- SIVASAGAR, ASSAM, PIN- 785662

VERSUS

THE UNION OF INDIA AND 4 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF HOME AFFAIRS, NEW DELHI, PIN- 110001

2:THE UNION OF INDIA
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL
PUBLIC GRIEVANCES AND PENSIONS
NEW BLOCK
NEW DELHI
PIN- 110001

3:THE STAFF SELECTION COMMISSION
REPRESENTED BY ITS CHAIRMAN
BLOCK NO.12
CGO COMPLEX
LODHI ROAD
NEW DELHI- 110003

4:THE DIRECTOR GENERAL
CENTRAL RESERVE POLICE FORCE
CGO COMPLEX
LODHI ROAD
NEW DELHI- 110066

5:THE REGIONAL DIRECTOR

STAFF SELECTION COMMISSION
REGIONAL OFFICE
HOUSEFED COMPLEX
DISPUR
GUWAHATI- 78100

Advocate for the Petitioner : MR. S SUTRADHAR, J.P. BARUAH

Advocate for the Respondent : DY.S.G.I., MRS S BARUAH (CGC)

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 23-10-2024

Heard Mr. S. Sutradhar, learned counsel for the writ petitioner.

The writ petitioner herein had participated in the recruitment process initiated vide advertisement notice dated 21-07-2018 for filling up various posts of Constable (GD) in Central Armed Police Force (CAPFs), NIA & SSF and Rifleman (GD) in Assam Rifles. The examination was held in the year 2018. According to the petitioner, he belongs to the OBC category and had qualified in the PET, PST and medical examination. The case of the petitioner is that although he had scored higher marks than the unreserved category candidates, he was not selected. Hence, this writ petition.

Mr. Sutradhar submits that similar writ petitions have been entertained by this Court on earlier occasion and therefore, this matter stands covered by those judgment and orders passed by this Court. In support of above argument, Mr. Sutradhar has referred to the order dated 12-01-2024 passed in W.P.(C) No. 174/2024.

Ms. S. Baruah, learned CGC appearing for the respondents, on the other hand, had

opposed the writ petition on the ground of delay and laches by submitting that the recruitment process having been conducted in the year 2018 and all the vacancies having been filled up, at this stage, there is no scope for the authorities to accommodate the petitioner, even if the contention advanced on his behalf is accepted. Ms. Baruah further submits that there is no proper explanation as regards the delay in approaching this Court and therefore, this writ petition is liable to be dismissed on such count alone. The learned CGC has also relied upon similar order passed by this Court in W.P.(C) No. 3322/2024 whereby, similar writ petition has been dismissed on the ground of delay.

After going through the statements made in the writ petition, I find that the explanation for delay is on account of financial constraint. However, having regard to the facts and circumstances of the case, this Court is of the opinion that the same cannot be treated as proper explanation for delay of nearly 06 years in approaching the Court. Moreover, this Court is conscious of the fact that entertaining this writ petition at this stage, may lead to a situation where the respondents may have to accommodate the petitioner, but the said exercise cannot be carried out at this point of time if all the vacancies have, in the meantime, been filled up. It is the categorical stand of the learned CGC that all the vacancies have in the meantime been filled up.

Situated thus and in view of the order dated 28-06-2024 passed by a coordinate Bench in W.P.(C) No. 3322/2024, for the sake of maintaining uniformity in judicial orders, this writ petition is held to be hit by delay and laches and the same is accordingly dismissed.

JUDGE

GS

Comparing Assistant