

GAHC010180942024



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

Case No. : WA/396/2024

A H ANWAR HUSSAIN BARBHUIYA AND ANR
SON OF LATE HABIBUR ALI BARBHUIYA,
RESIDENT OF VILL- BURIBALI PART-II,
P.S.- BARKHOLA, DISTRICT- CACHAR, ASSAM, PIN- 788025.

2: SAIDUL HOQUE CHOUDHURY
SON OF - ABDUL MANNAF CHOUDHURY
RESIDENT OF VILL- JOYDHANPUR
P.O.- LAILAPUR P.S.- DHOLAI
DISTRICT- CACHAR
ASSAM PIN- 788120

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY COMMISSIONER AND SECRETARY,
GOVT. OF ASSAM, DEPARTMENT OF HOME AFFAIRS,
DISPUR, GUWAHATI-06.

2:THE DIRECTOR GENERAL OF POLICE
HQ ULUBARI
GUWAHATI- 781007.

3:THE STATE LEVEL POLICE RECRUITMENT BOARD
ASSAM
REHABARI GUWAHATI- 781008
TO BE REPRESENTED BY ITS CHAIRMAN.

4:THE DISTRICT LEVEL POLICE RECRUITMENT BOARD
CACHAR
TO BE REPRESENTED BY ITS CHAIRMAN CUM SUPERINTENDENT OF
POLICE CACHAR
ASSAM

For the appellants : Mr. L.R. Mazumder, Advocate
For the respondents : Ms. S. Sarma,
Govt. Advocate, Assam

– B E F O R E –

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

29-11-2024

(Vijay Bishnoi, C.J.)

This writ appeal is filed on behalf of the appellants being aggrieved with the order dated 10.05.2024 passed by the learned Single Judge in WP(C) 4534/2023 and other connected writ petitions.

A bunch of writ petitions were filed before the learned Single Judge primarily raising a grievance that the respondents have not followed uniform pattern in allotting marks for the period of service rendered by petitioners either as Home Guards or Special Police Officers (SPOs) while conducting recruitment process for the post of Constables in the Assam Industrial Security Force.

Learned Single Judge, after hearing the counsel for the parties and on the basis of the consensus arrived at between the counsel for the parties, has disposed of the writ petitions with the direction that the cases of the writ petitioners be liable to be considered by allotting two marks for the certificates submitted by the petitioners wherein the period of service either as Home Guard or SPO has not been specified and if it is found that the petitioners are within the zone of consideration and have secured more than the cut-off marks, the benefit of appointment should be given to them.

As a matter of fact, the learned Single Judge has directed the respondents

to revisit the result of the recruitment while taking into consideration the certificates submitted by the petitioners regarding their experience while working as Home Guard or SPO.

Learned counsel for the appellants has submitted that it was also argued before the learned Single Judge that the respondents have evaluated the marks of the written test in arbitrary manner. However, the learned Single Judge has not given any finding on the said aspect.

We have gone through the averments made in the writ petition and found that a very vague statement is made on behalf of the writ petitioners that the respondents have evaluated the marks of the written test arbitrarily. No proof of arbitrariness, even *prima facie*, has been produced by the petitioners before the learned Single Judge in support of their above contention. On such vague allegation, no relief can be granted. Hence, we do not find any merit in this writ appeal and the same is, therefore, dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant