

GAHC010181662024



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

Case No. : WP(C)/4572/2024

PHANIDHAR GOGOI
S/O- TULSHI GOGOI,
R/O- VILLAGE- RANCHALI GAON,
P.O RANCHALI,
P.S- KHOWANG, DIST- DIBRUGARH, ASSAM, PIN-785675

VERSUS

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

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

3:THE REGIONAL DIRECTOR
STAFF SELECTION COMMISSION
REGIONAL OFFICE
RUKMININAGAR
GUWAHATI- 781006

4:THE DIRECTOR GENERAL
BORDER SECURITY FORCE (BSF)
BLOCK NO. 10
LODHI 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:DIRECTOR GENERAL
ASSAM RIFLES
NONGRIMMAW
LAITUMUKHRAH
GORALINE SHILLON
MEGHALAYA- 793011

8:DIRECTOR GENERAL
INDO TIBETAN BORDER FORCE (ITBP)
BLOCK NO. 10
CGO COMPLEX
LODHI ROAD
NEW DELHI- 110003

9:DIRECTOR GENERAL
SHAHASRA SEEMA BAL (SSB)
5-6
VIVEKANANDA MARG
EAST BLOCK
R.K. PURAM
NEW DELHI- 11002

Advocate for the Petitioner : MR. K R PATGIRI, MS. D. DEVI,MS K BARMAN,MS
CHITRALEKHA DAS

Advocate for the Respondent : DY.S.G.I., MS J SARMAH (CGC)

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 09/09/2024

Heard Mr. K. R. Patgiri, learned counsel for the writ petitioner. None has appeared for the respondents although the name of the learned DSGI/CGC is duly reflected in the cause list.

The writ petitioner herein had participated in the selection process conducted by the Staff Selection Commission (SSSC) on the basis of the advertisement notice dated 21/07/2018 for filling up various posts of Constables (GD) in the Central Armed Police Forces (CAPFs), NIA & SSF and Riflemen (GD) in the Assam Rifles.

The petitioner claims to be a candidate belonging to the OBC category. Being a reserved category candidate from the North Eastern Region (NER), the authorities had earlier extended relaxation on height and chest measurement to such candidates hailing from the NER. Although, such relaxation had nothing to do with the merit position of the respective candidate and notwithstanding the fact that the writ petitioner had secured higher marks than the general category candidate in the selection process, appointment order was denied to him erroneously. Hence, this writ petition.

Mr. Patgiri has invited the attention of this Court to the similar orders passed by this Court in WP(C) 3783/2023. By relying upon the decision of the Delhi High Court in the case of **Hemant Pokhriyal Vs. Staff Selection Commission [WP(C) 4982/2021]** and **Arpan Chowdhury Vs. Union of India and others** decide by the Tripura High Court in **WP(C) 117/2021**, the learned counsel for the writ petitioner submits that similarly situated candidates, having similar nature of grievance, have already been granted relief by this Court and, therefore, a similar order be passed in the present case as well.

The learned counsel for the respondents are not present to oppose the prayer made by the writ petitioner.

It is noticed that in a similar writ petition being WP(C) 3783/2023, this Court had passed order dated 28/06/2023 disposing of the writ petition with the following observations and directions :-

“Taking note of the submission advanced by learned counsel for both the sides, this

writ petition is hereby disposed of by providing that subject to availability of vacancy, the respondents may issue order of appointment to the petitioner appointing him as Constable (GD) in any of the division of the Central Armed Police Forces or in any other Armed Police Force, as expeditiously as possible, preferably within 6 (six) months from the date of receipt of a certified copy of this order.

With the above observations, the writ petition stands disposed of."

It is true that the petitioner appears to be similarly situated as the writ petitioner in WP(C) 3783/2023 and, therefore, ordinarily he would be entitled to similar relief. However, it is also seen that there has been inordinate delay on the part of the writ petitioner in approaching this Court. On such count, ordinarily this Court would not have been inclined to grant any relief to the petitioner in the present case. However, since the respondents' counsel have remained absent today, this Court is left with no other option but to dispose of the writ petition at the motion stage itself by allowing the same.

As such, this writ petition stand disposed of in the line of the observations and direction issued by this Court in the order dated 28/06/2023 passed in WP(C) No. 3783/2023, as noted herein above.

The writ petition is accordingly disposed of.

JUDGE

sukhamay

Comparing Assistant