

GAHC010204722024



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

Case No. : I.A.(Civil)/3130/2024

ANURAG SARMA
S/O KHAGENDRA NATH SARMA, R/O VILL-BAMUNPARA NO. 2,
BAMUNPARA, PARAN, DIST-DARRANG, ASSAM, PIN-784125

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, TRANSPORT DEPARTMENT, JANATA BHAWAN,
DISPUR, GUWAHATI-781006

2:THE COMMISSIONER
COMMISSIONERATE OF TRANSPORT
PARIBAHAN BHAWAN
JAWAHARNAGAR
KHANAPARA
GUWAHATI-781022

3:THE ASSAM PUBLIC SERVICE COMMISSIONER
REPRESENTED BY ITS CHAIRMAN
JAWAHAR NAGAR
KHANAPARA
GUWAHATI-781022
ASSAM

4:THE JOINT SECRETARY
ASSAM PUBLIC SERVICE COMMISSION
JAWAHARNAGAR
KHANAPARA
GUWAHATI-781022
ASSAM

5:THE CONTROLLER OF EXAMINATION
ASSAM PUBLIC SERVICE COMMISSION
JAWAHARNAGAR
KHANAPARA
GUWAHATI-781022
ASSAM

6:BITOPON KALITA
DISTRICT TRANSPORT OFFICE
BETIKUCHI
N.H-37
DISTRICT-KAMRUP(R)
ASSAM
PIN-781034

7:SYABON KUMAR LAHKAR
SON OF PRABHAT LAHAKAR
RESIDENT OF HOUSE NO.3
VILLAGE-BONDA
PO. BONDA

PS. PRAGJYOTISPUR
DISTRICT-KAMRUP(R)
ASSAM
PIN-78102

Advocate for the Petitioner : MS. G BORAH, MS RIMA DAS

Advocate for the Respondent : SC, APSC, SC, TRANSPORT

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

29.11.2024

Heard Ms. G. Borah, learned counsel for the applicant. Also heard Ms. M. D.

Borah, learned Standing Counsel, Transport Department, Assam and Mr. P. P.

Dutta, learned counsel appearing for the APSC.

By filing the connected writ petition the petitioner has assailed the selection

process initiated for filling up 26 vacant posts of M. V. Inspectors on the basis of

advertisement notice dated 25.05.2022.

It appears from the stand of the departmental authorities that all the 26 vacant posts had already been filled up during the pendency of the writ petition. The present application has been filed with a prayer to keep one post vacant where the petitioner can be accommodated in the event he succeeds in the writ petition. Such prayer is on account of the fact that the respondent No.7 has resigned from the post of MVI and hence, a vacancy has arisen.

What is, however, significant to note herein that the petitioner has challenged the entire selection process and if he succeeds in his challenge, the only relief that the Court can grant is to quash the selection process. In such an eventuality the question of appointing the petitioner pursuant to such a flawed process would also not arise. Situated thus, I do not find any justifiable ground to grant any interim relief in this I.A. The prayer made in the I.A. therefore, stands rejected.

I.A. stands disposed of.

JUDGE

Comparing Assistant