

GAHC010214972024



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

Case No. : WP(C)/5277/2024

PRANAB SAIKIA AND 6 ORS
S/O- DIP SAIKIA,
R/O- VILL- MAJIKUCHI,
P.O.- MAJIKUCHI,
DIST.- BISWANATH, ASSAM- 784178.

2: RASHID SAHARIYAR HUSSAIN
S/O- AMIR HUSSAIN

R/O- VILL- KURSAKATI

P.O.- RANIGANJ
DIST.- DHUBRI

ASSAM- 783345.

3: ANTAZUL HAQUE
S/O- AMINUL ISLAM

R/O- VILL- CHINAMARI

P.O.- LAKHI GANJ

DIST.- DHUBRI
ASSAM- 783345.

4: MANAS JYOTI KALITA
S/O- NARSING KALITA

R/O-VILL- KHUDNAMARI

P.O.- HARALTARI

DIST.- DHUBRI

ASSAM- 783337.

5: PANKAJ KALITA
S/O- DEBA KANTA KALITA

R/O- VILL- BAMUNDI SRINAGAR

P.O.- BAMUNDI
DIST. -KAMRUP(R)

ASSAM- 781103.

6: SAHIDUL ISLAM
S/O- EYAKUB ALI

R/O- VILL- BHADRA BANGAL

P.O.- KHATIKUCHI
DIST.- NALBARI

ASSAM- 781369.

7: GONJER ALI
S/O- SUKUR UDDIN SK

R/O- VILL- PLABARI

P.O.- MAKNIJHORA
DIST.- DHUBRI

ASSAM- 783349

VERSUS

THE UNION OF INDIA AND 8 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO GOVT. 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
P.O.- SACHIVALAYA

GUWAHATI-06.

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

GAROLINE SHILLONG
MEGHALAYA- 793011.

8:DIRECTOR GENERAL
INDO TIBETAN BORDER FORCE (ITBP)
BLOCK- 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- 110022

Advocate for the Petitioner : MR. D DEKA,

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

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 04-10-2024

Heard Mr. D. Deka, learned counsel for the petitioner. Also heard Ms. S. Baruah, learned CGC for the respondents.

2. By way of this writ petition under Article 226 of the Constitution of India, the petitioners are seeking direction to the respondents to forthwith qualify the petitioners and allow them to participate in the recruitment process in pursuance of the Advertisement dated 24.11.2023.

3. The writ petitioners herein had participated in the recruitment process initiated for appointment of Constable/GD in the Central Armed Police Force (CAPF) in the year 2022.

4. According to the petitioners, they had undergone Physical Standard Test (PST) and the Physical Efficiency Test (PET) and emerged as successful. However, subsequent thereto the petitioners were once again subjected to PST and thereafter, disqualified on the ground that they did not meet the chest and

height specification.

5. Contending that the writ petitioners, who were earlier found to be having the requisite chest and height, could not have been subsequently declared as disqualified on such ground, since the chest and height of the petitioners could not have changed in a period of less than one year.

6. Ms. Baruah, learned CGC submits that the decision of the authorities is appealable and therefore, she would have no objection if the writ petition is disposed of with a direction upon the petitioners to prefer appeal before the appellate authority to be disposed of in a time bound manner.

7. Mr. Deka, learned counsel for the petitioner submits that he would also have no objection, if such an order is passed.

8. In view of the above, this Court is of the considered view that in the interest of justice, this writ petition can be disposed of, at the stage of motion hearing, by providing that the petitioners may prefer an appeal before the appellate authority against the rejection of their candidature. It is ordered accordingly.

9. It is needless to clarify that if such appeal is filed within a week from today, the same may be considered on merit and upon due verification of facts based on materials on record, a reasoned order be passed therein, as expeditiously as possible, but not later than 30 days from the date of filing the appeal by enclosing a certified copy of this order.

10. Until such time, the aforesaid exercise is carried out and completed, 7 (seven) posts of Constable/GD in the Central Armed Police Force qua the

present recruitment drive, be kept vacant.

The writ petition stands disposed of.

JUDGE

Comparing Assistant