

GAHC010224772024



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

Case No. : WP(C)/5671/2024

AKHIRUZ ZAMAN AND 3 ORS
S/O- ABDUL MOZID,
R/O- HOWRARPAR, P.S- DHUBRI, DIST- DHUBRI, PIN-783324, ASSAM

2: SAIDUL ISLAM
S/O- FAIZAL HOQUE
VILLAGE- SAGOLCARA PART-I

P.O- HOWRARPAR
P.S- DHUBRI
DIST- DHUBRI
PIN-783324
ASSAM

3: FIRDUS ALOM
S/O- MOHAR ALI
VILLAGE- BORBILAA PART-II

P.O- HOWRARPAR
P.S- DHUBRI
DIST- DHUBRI
PIN-783324
ASSAM

4: SHAH ALOM HUSAIN
S/O- JAHANUDDIN
VILLAGE- JHAGRARPAR PART IV

P.O- JHAGRARPARPAR
P.S- DHUBRI
DIST- DHUBRI
PIN-783325
ASSA

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS,
DEPARTMENT OF PERSONNEL AND TRAINING, GOVT. OF INDIA, NEW
BLOCK, NEW DELHI, PIN- 110001.

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

3:THE REGIONAL DIRECTOR (NER)
STAFF SELECTION COMMISSION
HOUSEFED COMPLEX
DISPUR
GUWAHATI- 781006

4:THE DIRECTOR GENERAL
CRPF (RECRUITMENT BRANCH)
EAST BLOCK-07
LEVEL-04
SECTOR 01
R.K PURAM
NEW DELHI-110066

5:THE PRESIDING OFFICER
CT/GD
RECRUITMENT EXAM
2023
RECRUITMENT BOARD
CRPF GUWAHATI
AMERIGOG
GUWAHATI-23
ASSAM

6:PRESIDING OFFICER
REVIEW MEDICAL EXMINATION BOARD
CT/GD
RECRUITMENT EXAM
2024
RECRUITMENT BOARD
CRPF GUWAHATI
AMERIGOG
GUWAHATI-23

ASSA

Advocate for the Petitioner : MR. A M KHAN, MD. S ALI,MR T T MONI

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

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 06/11/2024

Heard Mr. A.M. Khan, learned counsel for the writ petitioners. Perused the statements made in the writ petition.

The 4 (four) petitioners herein had participated in the recruitment process for appointment to the post of Constable (GD) in the Central Armed Police Forces (CAPF) initiated on the basis of recruitment notice dated 24/11/2023. During the process of selection, the petitioners had appeared in the Physical Standard Test (PST) and Physical Efficiency Test (PET). That apart, the petitioners were also subjected to chest measurement, test of hammertoe of both foot and Knock Knee and eye colour vision. According to the petitioners, although they had fulfilled the required norms in all these tests, their candidature have been arbitrarily rejected. Hence, this writ petition.

Mr. Khan submits that there is a provision to prefer appeal before the authorities and this Court has already passed similar orders in other writ petitions granting leave to the aggrieved candidates to prefer appeal before the competent authority.

Opposing the said submission, Ms. S. Baruah, learned CGC, submits that provision of preferring appeal before the authority is available if the appeal is preferred on the same day of the date of rejection. As such, no appeal can be preferred at this point of time.

In a matter of this nature, it is not understood as to how an aggrieved candidate could prefer an appeal before the competent authority on the same day. Be that as it may, since there is a

provision under the recruitment notice permitting the aggrieved candidates to prefer appeal against rejection of candidature, hence, the mere fact that the appeal was not preferred on the same day, cannot in the opinion of this Court, be a ground to deprive the candidate of such alternative appellate remedy. Moreover, this Court is conscious of the fact that similar writ petitions have already been disposed of by granting leave to the petitioners to prefer appeal.

In view of the above, this writ petition is hereby disposed of at the motion stage by granting 1(one) week time to the petitioners to prefer individual appeal before the competent authority.

If such an appeal is preferred within a week by enclosing a certified copy of this order, the same be considered on merit and disposed of by a reasoned order.

Appointment, if any, made in the vacant post(s), shall be subject to the outcome of the appeal.

With the above observations, this writ petition stand disposed of.

JUDGE

Sukhamay

Comparing Assistant