

GAHC010245342023



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

Case No. : WP(C)/6437/2023

PRASENJIT ROY
S/O LATE SURESH CH. ROY
R/O VILL- BHOTGAON MEDHIPARA
P.O. K/BHOTGAON
P.S. KOKRAJHAR
DIST. KOKRAJHAR, ASSAM
PIN-783370
MOBILE NO. 9435559293

VERSUS

THE UNION OF INDIA AND 3 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF INDIA, MINISTRY OF HOME AFFAIRS, NEW DELHI-1100101.

2:UNION OF INDIA

REPRESENTED BY ITS SECRETARY
MINISTRY OF PERSONNEL PENSION AND PUBLIC GRIEVANCE
DEPARTMENT OF PERSONNEL AND TRAINING
NORTH BLOCK
NEW DELHI-110001.

3:STAFF SELECTION COMMISSION

REP. BY THE CHAIRMAN
LODHI ROAD
BLOCK NO. 12
CGO COMPLEX
NEW DELHI-110003.

4:REGIONAL DIRECTOR (NER)

STAFF SELECTION COMMISSION

HOUSEFED COMPLEX
LAST GATE
BASISTHA ROAD
P.O. ASSAM SACIVALAYA
DISPUR
GUWAHATI-78100

Advocate for the Petitioner : MR. R SARMA

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

**BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR**

ORDER

Date : 03.05.2024

Heard Mr. R. Sarma, learned counsel for the petitioner.

Also heard Ms. B. Sarma, learned CGC appearing on behalf of all the respondents.

Pursuant to the Advertisement dated 24.01.2015, issued by the Staff Selection Commission, for recruitment to the post of Constable (GD) in BSF, CRPF, CISF, ITBP, SSB, NIA, SSF and Rifleman in Assam Rifles, the petitioner applied for the post of Constable (GD). After the selection process was completed, the select list dated 02.02.2017 was published. In the said select list, the name of the petitioner did not appear.

The present writ petition has been filed by the petitioner challenging the select list dated 02.02.2017 on the ground that his name has been left out illegally despite securing equal marks obtained by the last selected candidate. The petitioner belongs to the OBC category and it is submitted that the cut-off

mark for OBC category in the CRFP is 40 and, therefore, the petitioner should also have been selected inasmuch as he has obtained 40 marks in the said select list.

Ms. B. Sarma, learned CGC submits that the challenge made in this writ petition is to the select list dated 02.02.2017 and by now all the vacancies have been filled up and, therefore, no relief can be granted to the petitioner.

This Court, after hearing the learned counsel for the parties, is of the considered opinion that the petitioner is challenging the select list dated 02.02.2017 after a lapse of about 6 years. This Court has also taken note of the submission of the learned CGC that all the vacancies have been filled up and, therefore, the petitioner cannot be accommodated to any post.

Considering the fact that the challenge is made to the select list dated 02.02.2017 after a lapse of about 6 years and also the fact that all the vacancies have been filled up, no relief can be granted to the petitioner and accordingly, the present writ petition is dismissed.

No order as to cost.

JUDGE

Comparing Assistant