

GAHC010249472019



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

Case No. : WP(C)/7686/2019

RANJIT MAJI AND 3 ORS.

S/O SHERI LAXMAN MAJI, VILL. AND P.O. BEACH DERA, DIST. SOUTH
ANDAMAN, ANDAMAN AND NICOBAR ISLAND, PRESENTLY SERVING AS
RIFLEMAN/GD IN THE 24TH ASSAM RIFLES AT LOKRA, ASSAM, C/O 99
APO

2: RAKHINI MIPI

S/O JIHI MIPI
VILL. AND MIPIDO

P.O. ANINI
DIST. DIBANG VALLEY
ARUNACHAL PRADESH
PIN-792101

PRESENTLY SERVING AS RIFLEMAN/GD IN THE 24TH ASSAM RIFLES AT
LOKRA
ASSAM
C/O 99 APO

3: BIJENDRA SINGH

S/O KASHI RAM
VILL. NAYEPURA
P.O. SYAUPURA JATIPUR KALAN
DIST. AGRA
UTTER PRADESH
PIN-283114

PRESENTLY SERVING AS RIFLEMAN/GD IN THE 24TH ASSAM RIFLES AT
LOKRA
ASSAM
C/O 99 APO

4: PREETY RAI

D/O SRI PREM BAHADUR RAI
VILL. CHIDUDI
P.O. VIJYANAGAR

DIST. CHANGLANG
ARUNACHAL PRADESH
PIN-792055
PRESENTLY RESIDING AT LOKRA
DIST. SONITPUR
ASSA

VERSUS

THE UNION OF INDIA AND 2 ORS.
REP. BY THE SECRETARY, MINISTRY OF HOME AFFAIRS, NEW DELHI-
110001

2:THE DIRECTOR GENERAL
ASSAM RIFLES
LAITKOR
SHILLONG
MEGHALAYA-793010

3:THE COMMANDANT 24TH ASSAM RIFLES
LOKRA
DIST. SONITPUR
ASSAM
C/O 99 APO
PIN-93202

Advocate for the Petitioner : MR. V KUMAR, MR. R THADANI, MR. B PATHAK

Advocate for the Respondent : ASSTT.S.G.I., MR. K GOGOI (C.G.C.)

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

Judgment & Order (Oral)

Date : 16.09.2024

Heard Mr. V. Kumar, learned counsel for the petitioners. Also heard
Ms. N. N. Sharma, learned counsel appearing on behalf Mr. K. Gogoi,

learned CGC for the respondents.

2. The petitioners have by way of instituting the present proceeding, assailed the select list dated 30.08.2019, so prepared in terms of the recruitment exercise initiated in pursuance to an advertisement issued by the Assam Rifles authorities for recruitment to the Technical and Tradesmen category posts in the force, for the year 2018-2019.

3. In terms of the said advertisement, 749 posts under various categories were put up for recruitment. However, in terms of a revised notification dated 07.01.2019, the number of posts available for recruitment increased to 1077 vacancies. The petitioners, herein being eligible for applying against the posts under the trade: Clerk, had submitted their respective applications. The petitioner no. 1 had applied under the said category against the posts reserved for General Category candidates from Andaman and Nicobar Island; the petitioner no. 2 had so applied under the said category for the vacancies so reserved for Scheduled Tribe Category candidates from Arunachal Pradesh; the petitioner no. 3 had so applied for the vacancies reserved for the Scheduled Caste Category candidates from Uttar Pradesh and the petitioner no. 4 applied under the said category for the vacancies so reserved for the General Category candidates from Arunachal Pradesh.

4. The petitioners contend that after having cleared the Physical Standard Test (PST)/Physical Efficiency Test (PET), they were called for a written examination. On clearing the said written examination, the petitioners contend they were called for the Trade Test (Skill Test) and detailed documents verification. The petitioners were thereafter, subjected to a

detailed medical examination on 28.05.2019 and 31.05.2019. On conclusion of the said selection process, the recruiting authorities had published a final merit list on 30.08.2019 for various categories. However, the names of the petitioners, herein, did not find place in the said select list so published. The petitioners by contending that they having cleared each and every stage of the selection process involved, they could not have been denied an inclusion in the select list so prepared by the respondent authorities, more so, when vacancies existed for their inclusion in the said select list. Being aggrieved, the petitioners have instituted the present proceeding.

5. Mr. V. Kumar, learned counsel for the petitioner has submitted that the petitioners, upon clearing the various stages of the selection process, were called for appearing in the Trade Test (Skill Test). It is contended by petitioners that the petitioners, on clearing the various stages of the selection process, were subjected to a detailed medical examination. It is the contention of the petitioner that it is only after a candidate has cleared the Trade Test, that such candidate is subjected to medical examination. Accordingly, the petitioners having cleared each and every stage of the selection process, the respondent authorities ought to have included them in the select list at the appropriate position in terms of the merit position so obtained by them in the selection process. Mr. Kumar has further submitted that vacancies in the category against which the petitioners had so submitted their respective applications, being available for recruitment, the cases of the petitioners would now be required to be so considered in terms of the merit position obtained by them in the selection process.

6. Ms. N. N. Sharma, learned counsel for the respondents by referring to

the provisions of the advertisement in question has submitted that it is only the candidates qualifying in all stages of the selection process, including the Trade Test who would be eligible for being included in the final merit list. It was further highlighted that mere qualifying in all the tests by a candidate would not guarantee the final selection, which again would be subject to the merit position obtained by the candidate in the recruitment and also availability of vacancy in the category against which such candidates had submitted his/her application. Accordingly, the learned counsel for the respondents submits that the petitioners not having cleared the Trade Test/Skill Test, their names were not included in the final select list so published on 30.08.2019.

7. I have considered the submissions made by the learned counsel appearing for the parties and also perused the materials brought on record.

8. As noticed herein above, the petitioners, herein, had submitted their respective application against the Trade: Clerk and such application were so submitted for the vacancies reserved for various States. The petitioners had also participated in the recruitment exercise and the materials brought on record would reveal that the petitioners had cleared the PST/PET and the written examination segment of the selection process. The petitioners were thereafter, called for the Trade Test/Skill Test segment of the selection process.

9. The respondents, in the affidavit filed in the matter had categorically stated that the petitioners, herein, had not cleared the Trade Test/Skill Test. The petitioners having not cleared the Trade Test/Skill Test, their names were not included in the list of selected candidates so published on

30.08.2019.

10. The provisions of Clause-23 of the advertisement in question, clearly mandates that a candidate would be eligible for inclusion in the final merit list only upon clearing each of the stages of the recruitment process and subject to availability of vacancies in terms of the option so submitted by such candidate. The petitioners, herein, admittedly, having not cleared the Trade Test/Skill Test, they cannot be held to have qualified in the recruitment exercise so carried out and accordingly, there is no error in the names of the petitioners not being included in the final select list of candidates so prepared by the respondent authorities.

11. It is to be noted herein that the respondent authorities had on 16.06.2020, filed their affidavits in the matter and therein, had categorical contented that the petitioners, herein, had not cleared the Trade Test/Skill Test. The said contention of the respondent authorities was not denied by the petitioners by filing rejoinders or by adducing materials to dispute such categorical contention made by respondent authorities in their affidavit-in-opposition.

12. In view of the above discussions, the petitioners admittedly, having not cleared the Trade Test/Skill Test so involved in the recruitment exercise so carried out, this Court is of the considered view that the names of the petitioners cannot now be directed to be so included in the select list prepared by the respondent authorities in pursuance to the recruitment so carried out and also for a further direction for their appointment.

13. In view of the above, the writ petition is held to be devoid of any merit and accordingly, the same stands dismissed. However, there would be no

order as to costs.

JUDGE

Comparing Assistant