

GAHC010257872024



2024:GAU-AS:12388-DB

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

Case No. : WA/413/2024

AIRPORT AUTHORITY OF INDIA REPRESENTED BY ITS REGIONAL
EXECUTIVE DIRECTOR, REGIONAL HEADQUARTERS. NORTH EASTERN
REGION, LGBI AIRPORT, GUWAHATI 781015

VERSUS

LONGJAM BIDYASAGAR SINGH
S/O SHRI L. PREMJIT SINGH, RESIDENT OF LONGJAM LEIKAI,
PO AND PS WANGOI, IMPHAL WEST DISTRICT, MANIPUR, 785134

For the Appellant(s) : Mr. C.P. Sharma, Sr. Advocate (through video conferencing), assisted by
Mr. D. Deka, Advocate.

For the Respondent(s) : Mr. A. Phukan, Advocate for respondent No.1.
: Mr. D. Upamanyu, Standing Counsel, Health Department.

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

09.12.2024

(Vijay Bishnoi, CJ)

This writ appeal is preferred by the appellant being aggrieved with the order dated 28.11.2024 passed by the learned Single Judge in WP(C) No.5312/2024, whereby the learned Single Judge, after hearing the counsel for the parties, has issued a direction to the Gauhati Medical College & Hospital at Guwahati to carry out the measurement of height and eye-sight of the respondent through a team of doctors and thereafter submit a report to this

Court in a sealed cover through the learned Standing Counsel, Health Department of Assam.

The respondent has approached the Writ Court with a grievance that he has wrongly been non-suited by the appellant Airports Authority of India in the process of recruitment on the post of Junior Assistant (Fire Service) on the ground that he is falling short of the required measurement of height and his eye-sight is also less than the required criteria.

Mr. C.P. Sharma, learned senior counsel appearing for the appellant has argued that, as a matter of fact, in the Rules governing the field, there is no provision for carrying out further examination of a person participating in the recruitment process and the direction given by the learned Single Judge to carry out a verification by a team of doctors of the Gauhati Medical College & Hospital regarding the height and the eye-sight of the respondent are absolutely illegal. The learned senior counsel has submitted that as many as 85 candidates, including the respondent, were declared as unfit on account of not having the required measurement of height and the eye-sight and looking to this fact, it is clear that the appellant has not committed any illegality in rejecting the candidature of the respondent.

At this stage, Mr. D. Upamanyu, learned Standing Counsel, Health Department has informed this Court that the check up of the respondent, as directed by this Court, by a team of doctors of Gauhati Medical College & Hospital, has already been conducted and the report would be furnished before the learned Single Judge in a sealed cover, as directed, by the next date of hearing fixed by the learned Single Judge.

Having heard the learned counsel appearing for the parties and after taking into consideration the facts and circumstances of the case, we are of the

view that the direction issued by the learned Single Judge of carrying out a measurement of height and eye-sight of the respondent by a team of doctors of the Gauhati Medical College & Hospital are *interim* in nature and the appellant is free to defend their action of rejecting the candidature of the respondent on all the grounds taken by it either in the counter to the writ petition or the grounds taken in this writ appeal. Since the learned Single Judge has not finally disposed of the writ petition and has passed the above-referred directions as an *interim* measure and fixed the next date in the writ petition on 18.12.2024, we are not inclined to interfere with this matter and dispose of this writ appeal at this stage.

Ordered accordingly.

JUDGE

CHIEF JUSTICE

Comparing Assistant