

GAHC010266422023



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

Case No. : WP(C)/6882/2023

SUMANTA GHOSH AND ANR
S/O- LATE MANIK GHOSH,
VILLAGE- NO. 2 CHATIANGURI,
P.O.- BIJINI,
P.S.- BIJINI,
DIST- CHIRANG, ASSAM,
PIN- 783390.

2: GOBINDAR JOADDER
SON OF LATE SUBODH JOADDER

VILLAGE- NO. 1 BHETAGAON

P.O.- BIJINI

P.S.- BIJINI

DISTRICT- CHIRANG
ASSAM

PIN- 783390

VERSUS

THE UNION OF INDIA AND 7 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF HOME AFFAIRS,
NEW DELHI-1100101

2: THE STAFF SELECTION COMMISSION
REPRESENTED BY THE CHAIRMAN
BLOCK NO. 10
12 CGO COMPLEX
LODHI ROAD

NEW DELHI-03.

3:THE REGIONAL DIRECTOR
STAFF SELECTION COMMISSION
GUWAHATI
ASSAM
HOUSE FED COMPLEX

DISPUR
GHY-6.

4:THE DIRECTOR GENERAL
BORDER SECURITY FORCE
BLOCK NO. 10
CGO COMPLEX
LODH ROAD
NEW DELHI-03.

5:THE DIRECTOR GENERAL
SASHATRA SEEMA BALL
5-6
VIVEKANANDA MARG
EAST BLOCK

R.K.PURAM
NEW DELHI
22.

6:THE DIRECTOR GENERAL
CENTRAL RESERVE POLICE FORCE
(RECRUITMENT) EAST BLOCK-07
LEVEL-4
SECTOR-01
R.K. PURAM
NEW DELHI- 66.

7:THE DIRECTOR GENERAL
INDO TIBETAN BORDER POLICE
BLOCK NO. IV
CGO COMPLEX
LODHI ROAD
NEW DELHI
03.

8:THE DIRECTOR GENERAL
CENTRAL INDUSTRIAL SECURITY FORCE
BLOCK NO. 13
CGO COMPLEX

LODHI ROAD
NEW DELHI-03

Advocate for the Petitioner : MR. R K TALUKDAR, MR. R BORO

Advocate for the Respondent : DY.S.G.I., MR. K GOGOI

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 07-08-2024

Heard Mr. R. K. Talukdar, learned counsel for the petitioners. I have also heard Mr. K. Gogoi, learned CGC for all the respondents.

2. The petitioners herein belong to the OBC Category. Both the petitioners participated in the selection process for recruitment to the post of Constable (GD) in the Central Armed Police Forces pursuant to an Advertisement dated 21.07.2018.

3. Both the petitioners despite belonging to the Reserved Category, secured more marks than some of the selected General Category candidates in the said selection process. However, on conclusion of the process, the petitioners were not selected on the ground that they had availed the chest and height relaxation prescribed for all the candidates for the State of Assam. Therefore, the stand of the respondents is that the petitioners could have been considered only for Reserved Category and not for General Category post.

4. The learned counsel for the petitioners submits that this case is covered by the order dated 04.04.2024 passed in WP(C)/7597/2023.

5. Mr. D. Gogoi, learned CGC fairly submits that the present case is covered by the order dated 04.04.2024 passed in WP(C)/7597/2023. He also submits that the petitioner can be appointed against General Category post provided their marks are higher than the last selected General Category candidates.

6. Upon hearing the learned counsel for the parties and on perusal of the order dated 04.04.2024 passed in WP(C)/7597/2023, this Court finds that the present case is a covered case. Accordingly, this Court is of the view that relaxation in height and chest availed by the petitioner cannot disentitle them for consideration against the general candidate vacancies if they have secured more marks than the last selected General Category candidates.

7. In view of the reasons stated above, this Court directs the respondents to accommodate the petitioners as and when vacancies arises to the post of Constable (GD) in any Central Armed Police Forces after verifying whether the petitioners have secured higher marks than the last selected General Category candidates.

8. With the above observations and directions, this writ petition is disposed of.

JUDGE

Comparing Assistant