

GAHC010293192023



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

Case No. : WP(C)/7597/2023

JAYKANTA SARKAR AND 2 ORS
S/O- MUKUL CHANDRA SARKAR,
R/O- VILL.- NO. 2 DHALABANDA,
P.O.- ANANDA BAZAR, P.S.- BIJNI,
DIST.- CHIRANG, ASSAM,
PIN- 783390.
(ROLL NO.- 5105022774)

2: PRAKHANTA HAJONG
S/O- GUNESWAR HAJONG

R/O- VILL- FURMAISALI

PO- BALLAMGURI
PS- BIJNI

DIST.- CHIRANG
ASSAM

PIN- 783390.
(ROLL NO.- 5105084093)

3: BASUDEV RAY
S/O- SAJEN CHANDRA RAY

R/O- VILL- KASHDOHA KUMORGAON

PO- BHANDARA
PS- BIJNI

DIST.- CHIRANG
ASSAM.
PIN- 783390.
(ROLL NO.- 5105095580)

VERSUS

THE UNION OF INDIA AND 8 ORS
REPRESENTED BY THE SECRETARY TO THE UNION OF INDIA,
MINISTRY OF HOME AFFAIRS,
NEW DELHI-110001.

2:THE STAFF SELECTION COMMISSION (SSC)
REPRESENTED BY THE CHAIRMAN/ SECRETARY

STAFF SELECTION COMMISSION

BLOCK-12
CGO COMPLEX
LODHI ROAD

NEW DELHI- 110003.

3:THE REGIONAL DIRECTOR (NER)
STAFF SELECTION COMMISSION
RUKMINI NAGAR
GUWAHATI-06.

4:THE DIRECTOR GENERAL
BORDER SECURITY FORCE (BSF)
BLOCK NO. 10
LODDHI ROAD

PRAGATI VIHAR
NEW DELHI- 110003.

5:THE DIRECTOR GENERAL
CENTRAL INDUSTRIAL SECURITY FORCE (CISF)
BLOCK NO. 13
CGO COMPLEX

NEW DELHI- 110003.

6:THE DIRECTOR GENERAL
CENTRAL RESERVE POLICE FORCE (CRPF)
CGO COMPLEX
LODHI ROAD

NEW DELHI- 110003.

7:THE DIRECTOR GENERAL
ASSAM RIFLES

NONGRIMMAW
LAITUMUKHRAH

GORALINE
SHILLON
MEGHALAYA- 793011.

8:THE DIRECTOR GENERAL
INDO TIBETAN BOARDER FORCE (ITBP)
BLOCK NO. 10
LODHI ROAD

NEW DELHI- 110003.

9:THE DIRECTOR GENERAL
SHAHASRA SEEMA BAL (SSB)
5-6 VIVEKANANDA MARG

EAST BLOCK
R.K. PURAM

NEW DELHI- 110022

Advocate for the Petitioner : MR. K R PATGIRI

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

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 04.04.2024

Heard Mr. K. R. Patgiri, learned counsel for the petitioner. Also heard Ms. S. Baruah, leaned CGC for all the respondents.

2. The petitioner No.1 belongs to the SC Category, petitioner No.2 belongs to the ST(P) Category and the petitioner No.3 belongs to the OBC Category and they all 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. All the petitioners despite belonging to the Reserved Category, secured more marks than some of the selected General Category candidates in the selection process. However, appointment order was not issued to the petitioners 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.

3. The learned counsel for the petitioners submits that this case is covered by the order dated 05.01.2024 passed in WP(C)/7588/2023.

4. Ms. S. Baruah, learned CGC also fairly submits that the present case is covered by the order dated 05.01.2024 passed in WP(C)/7588/2023. She also submits that the petitioner can be appointed against General Category post provided their marks are higher than the last selected General Category candidates.

5. After hearing the learned counsel for the parties and on perusal of the order dated 05.01.2024 passed in WP(C)/7588/2023, 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.

6. In that view of the matter, this Court directs the respondents to accommodate the petitioners as and when vacancy 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.

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

JUDGE

Comparing Assistant