

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.89 of 2024

Sri Jayanta Debnath,

S/o. Sri Madhusudhan Debnath,

Resident of 93, Banshapukur (East Para),

Birampur, Jatrapur, P.O. & P.S. Jatrapur,

Sub-Division- Bishalgarh, District- Sepahijala, Tripura, PIN-799131.

.....Petitioner(s)

- V e r s u s -

1. The Union of India,

Represented by the Secretary, Home Department, Having his office at Ministry of Home Affairs, North Block, Cabinet Secretariat, Raisina Hills P.O. GPO, P.S. Kartavya Path, New Delhi, District- Central Delhi, PIN- 110011.

2. The Staff Selection Commission,

Represented by its Secretary, Having his office at Block No.12, 4th Floor, CGO Complex, Lodhi Road, P.O. Lodhi Road HPO, P.S. Lodhi Colony, District- South Delhi, New Delhi- 110003.

3. The Directorate General,

Central Reserve Police Force, Having his office at CGO Complex, Lodhi Road, P.O. Lodhi Road HPO, P.S. Lodhi Colony, District- South Delhi, New Delhi- 110003.

..... Respondent(s)

For the Petitioner(s) : Mr. Anupam Pal, Advocate.

For the Respondent(s) : Mr. Bidyut Majumder, Dy. S.G.I.

Date of hearing and delivery : **20th June, 2025.**
of Judgment & Order

Whether fit for reporting : **NO**

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

JUDGMENT & ORDER (Oral)

Heard Mr. Anupam Pal, learned counsel appearing for the petitioner and Mr. Bidyut Majumder, learned Dy. S.G.I. appearing for the respondents.

2. The case of the petitioner is that pursuant to an advertisement (under Annexure-B) issued for filling up the posts of Constable in BSF, CISF, CRPF etc., by the Staff Selection Commission, the petitioner applied for the same, and thereafter, he also qualified

Physical Standard Test (PST) followed by a written examination in which he scored 55.10 marks but he was not called for Medical Examination. The petitioner belongs to the OBC category, and therefore, age relaxation was granted for his appearance in the selection process. Now, it is the grievance of the petitioner that depriving him, one Sagar Debnath, who scored 46.26 marks in the written examination was provided a job pursuant to an order of this Court passed on 13.12.2022 in the case of **Sri Anirban Ghosh vs. Union of India & 4 others**, in **WP(C) No.701 of 2022**, decided analogously with seven other writ petitions. The relevant portion of the said order is extracted hereunder:

"In view of this, I direct the respondents to consider the case of the petitioners of this batch of writ petitions without unsettling the present select list prepared by the respondents. It is made clear that the respondents shall not deprive the appointment of the petitioners if they are found eligible against the available vacancies which still exist or may arise in future out of the same advertisement without unsettling the merit list already prepared by the respondents.

With this direction, the instant writ petitions are disposed of."

3. Mr. Pal, learned counsel submits that despite a person like Sagar Debnath having scored lesser marks than the petitioner, has been provided job to the deprivation of the present petitioner, and therefore, necessary directions may be issued to the respondents to provide the present petitioner a job. Learned Dy. S.G.I., however, argues that there has been serious delay and laches in filing the petition, and therefore, same is not maintainable. To buttress his submission, learned Dy. S.G.I. relies on a decision of the Hon'ble Supreme Court in **State of Jammu & Kashmir vs. R.K. Zalpuri and others, AIR 2016 SC 3006**, wherein it was held that the Court while exercising jurisdiction under Article 226 is duty-bound to consider whether person invoking the jurisdiction is guilty of unexplained delay and laches or not. In another case, as relied on by learned Dy. S.G.I., the High Court of Punjab and Haryana in **Rakesh**

Mann and others vs. Union of India and others (decided on 27.3.2018 in LPA No.321 of 2018), held that the writ petition was not maintainable on the ground of delay and laches. Learned Dy. S.G.I. also argues that the job which was provided to Sagar Debnath was based on the Court's direction as given in above said WP(C) No.701 of 2022.

4. To counter the submission of learned Dy. S.G.I., Mr. Pal, learned counsel, submits that the recruitment process was completed in the year 2021 and the appointment of Sagar Debnath was given only on 13.06.2023 and thereafter, the writ petition was filed immediately on 03.02.2024, and therefore, there is no delay or laches on the part of the petitioner.

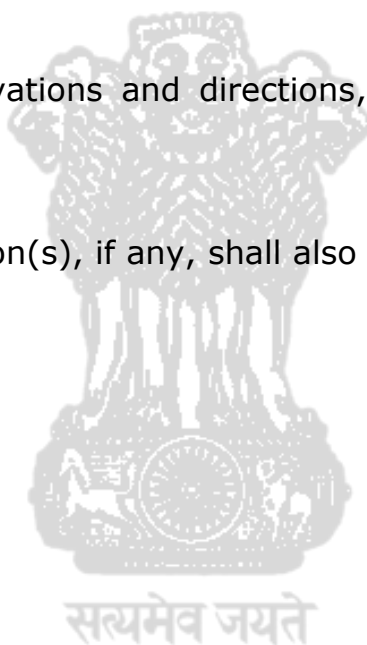
5. This Court has taken into consideration the submissions of both sides and has gone through the relevant documents in the record. It is not disputed that said Sagar Debnath scored only 46.26 marks, whereas the present petitioner secured much higher marks than him. In the above said WP(C) No.701 of 2022, the direction was given by this Court to the respondents only to consider the cases of the petitioners of that batch of writ petitions, with further observation that the petitioners should not be deprived of their appointments if they are found eligible against the available vacancies which existed or might arise in the future out of the same advertisement, without unsettling the merit list. Nowhere there was any specific direction to the respondents to provide any job to said Sagar Debnath. Despite the fact that he was having lesser marks than the present petitioner in the merit list, he has been provided job. Once the case of Sagar Debnath has been considered favoured by the respondents, it has become obligatory for them also to consider the case of the present petitioner. So far the ground of delay and laches is concerned, from the above said facts, it appears that the

petitioner promptly approached this Court after said Sagar Debnath was provided the job, and therefore, said challenge on the part of the respondents is not convincing.

6. Considering all these aspects, the writ petition is allowed. The respondents are accordingly directed to consider the case of the present petitioner for providing him a job against any available vacancy which still exist or may arise in the future out of the same advertisement, without unsettling the merit list, if he is otherwise found eligible for getting such job after considering his medical examination result.

With such observations and directions, the writ petition is disposed of.

Pending application(s), if any, shall also stands disposed of.



JUDGE

SATABDI DUTTA
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