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

Case No. : WP(C)/4959/2020

APEL KHAN AND 8 ORS.
S/O. IDRIS KHAN, VILL. MOYNABANDHA, P.O. FEKAMARI, DIST. SOUTH SALMARA MANKACHAR, ASSAM.

2: FORIDUL KHAN

3: ASHRAFUL ALI

4: MD. SOFIQUL ISLAM

5: RAJBAHADUR ALI

6: ROHIM UDDIN SK

7: NAZIM KHAN

8: PASHAN ALI

9: SHAHADOT KHA

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP. BY THE COMM. AND SECY., HOME AND POLITICAL DEPTT., DISPUR, GUWAHATI, ASSAM, PIN-781006.

2:THE DIRECTOR GENERAL OF CIVIL DEFENCE AND COMMANDANT GENERAL OF HOME GUARDS

3:THE SENIOR STAFF OFFICER

4:THE DISTICT COMMANDAN

Advocate for the Petitioner : MR. M KHAN

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANOJIT BHUYAN

ORDER

24.11.2020

Heard Mr. M. Khan, learned counsel for the petitioners as well as Mr. D. Nath, learned counsel representing all the respondents.

Prayer made in the writ petition is for setting aside the Notice dated 14.11.2020 relating to enrolment of Home Guards. In the present case it is with regard to South Salmara District. The ground of challenge is that in the said Notice dated 14.11.2020, no eligibility criteria has been laid down as to who would be eligible or not eligible to make application for enrollment for Home Guards. A bare perusal of the said Notice, indeed, does not disclose any eligibility criteria.

When this matter was taken up in the forenoon, Mr. Nath was asked to obtain instructions in the matter. Mr. Nath now states that pursuant to the Notice dated 14.11.2020, the District Commandant, Home Guards, Dhubri had issued relevant information displayed in the Office of the District Commandant, wherein the eligibility criteria was disclosed. The notice was displayed in the Office as because the interested candidates of respective districts were required to collect application forms from the Office of their concerned District

Commandant, Home Guards. Mr. Nath also submits that *Assam Home Guard Rules, 1947* had undergone amendment in the year 2015. Clause (a) of Rule 4, pertaining to maximum age criteria, the same was amended to read the figure "55" as "30". So also, Clause (c) of Rule 4 was amended to read as "has passed Class-VIII examination" from the earlier provision which read as "can read and write in his own vernacular".

Having regard to the above, this Court is of the view that apparently when an exercise is undertaken for enrolment, no departure is permissible by ignoring the eligibility criteria as laid down in the Rules, as amended. The eligibility criteria was also notified by displaying the same in the Office of the District Commandant, Home Guards, Dhubri. As such, the challenge made in respect of the notice cannot sustain.

Pertinent to note that out of the 9 (nine) writ petitioners, only 3 (three) of them had responded to the notice. The remaining 6 (six) did not apply but at the same time prays for quashing of the notice and enrolment process on ground, as indicated above. This Court is informed that pursuant to the enrolment notice, interview is scheduled tomorrow i.e. 25.11.2020 in respect of applicants from Sl. No.1 to 400 and on 26.11.2020 in respect of applicant nos.401 onwards . The venue of the interview is fixed at 20th AP(IR) Bn. Panbari, Dhubri.

Having regard to the facts above as well as to the provisions under the *Assam Home Guards Rules, 1947* (as amended), I find no merit in the writ petition. Accordingly, writ petition stands dismissed at the Motion stage itself, however, without any order as to cost.

JUDGE

Comparing Assistant