GAHC010183542020

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

Case No. : I.A.(Civil)/2220/2020
in
WP(C) 3341/2019

THE ASSAM PUBLIC SERVICE COMMISSION AND 2 ORS.
REP. BY THE CHAIRMAN, JAWAHAR NAGAR, GHY-22

2: THE SECRETARY
APSC
JAWAHAR NAGAR
KHANAPARA- 22

3: THE PRINCIPAL CONTROLLER OF EXAMINATIONS
APSC
JAWAHAR NAGAR
KHANAPARA
GUWAHATI- 2

VERSUS

THE STATE OF ASSAM AND 9 ORS.
THROUGH THE PRINCIPAL SECY. TO THE GOVT. OF ASSAM, DISPUR, GHY-6

2:ASHIM SAIKIA
S/O. PRANAB KR. SAIKIA
R/O. H/NO.23
NANDANPUR PATH
OPP. BHABEN DALOY
P.O. BELTOLA
DIST. KAMRUP(M)
ASSAM
GHY-6

3:GIRBANI DEKA
W/O. RANJAN ENGTI

R/O. H/NO.54/37
SEUJI PATH
NEAR NABAGRAHA TEMPLE
KHARGHULI
DIST. KAMRUP(M)
GHY-3

4:ANGSHUMAN HAZARIKA
S/O. KULADHAR HAZARIKA
R/O. H/NO.11
CHANDMARI
RAGHUNATH CHOUDHURI NAGAR
NEAR HOLY CHILD SCHOOL
P.O. SILPUKHURI
DIST. KAMRUP(M)
ASSAM
PIN-781003

5:PANKAJ CHETRY
S/O. DHAN BAHADUR CHETRY
R/O. NS AREA PLOT X-55
P.O. DIGBOI
DIST. TINSUKIA
ASSAM
PIN-786171

6:JYOTISHA SAIKIA
D/O. LATE GOJEN SAIKIA
R/O. H/NO.44. CHANDMARI COLONY
P.O. CHANDMARI
DIST. KAMRUP(M)
ASSAM
PIN-781003

7:NIVEDITA SAIKIA
D/O. BANESWAR SAIKIA
R/O. KUSHAL NAGAR
SOUTH HAIBARGAON
P.O. HAIBORGAON
DIST. NAGAON
ASSAM
PIN-782002

8:NAVIN KR. RAY
S/O. RAM UDGAR RAY
R/O. VILL. AND P.O. AGBANDHA SAIDING
P.S. MARGHETITA
DIST. TINSUKIA

ASSAM
PIN-786187

9:MOKLESUR RAHMAN
S/O. LUTFUR RAHMAN
R/O. COLLEGE ROAD
MATHPARA BYLANE
P.O. KAHILIPUR
DIST. DHUBRI
ASSAM
PIN-783325

10:ABHIJIT RAJKUMAR
S/O. CHANDRA MOHAN RAJKUMAR
R/O. H/NO.22(A)
SHIV BARI LANE(LANE NO.07)
P.O. VIVEKANANDA ROAD
SILCHAR
DIST. CACHAR
ASSAM
PIN-78800

Advocate for the Petitioner : SC, APSC

Advocate for the Respondent : GA, ASSAM

Linked Case : WP(C)/3696/2019

ABHIJIT RAJKUMAR
S/O CHANDRA MOHAN RAJKUMAR
H/NO- 22(A)
SHIV-BARI LANE (LANE NO 07)P.O.- VIVEKANANDA ROAD
SILCHAR
DIST.-CACHAR
STATE- ASSAM
PIN-788007

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
DISPUR

GUWAHATI-781006

2:THE ASSAM PUBLIC SERVICE COMMISSION
REP. BY ITS CHAIRMAN JAWAHARNAGAR
KHANAPARA
GUWAHATI-781022
3:THE SECRETARY
THE ASSAM PUBLIC SERVICE COMMISSION
JAWAHARNAGAR
KHANAPARA
781022
4:THE PRINCIPAL CONTROLLER OF EXAMINATION
THE ASSAM PUBLIC SERVICE COMMISSION
JAWAHARNAGAR
KHANAPARA
GUWAHATI-781022

Advocate for : MR. D DEKA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS.

Linked Case : WP(C)/3344/2019

GIRBANI DEKA
W/O- RANJAN ENGTI
R/O- HNO. 54/37
SEUJI PATH
NEAR NABAGRAHA TEMPLE
KHARGULI
GHY- 03
DIST- KAMRUP(M)
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE CHIEF SECRETARY TO THE GOVT OF ASSAM
DISPUR
GUWAHATI- 781006

2:THE APSC
REP. BY ITS CHAIRMAN
JAWAHAR NAGAR
GUWAHATI- 781022
3:THE SECRETARY

APSC
JAWAHAR NAGAR
KHANAPARA- 22
4:THE PRINCIPAL CONTROLLER OF EXAMINATIONS
APSC
JAWAHAR NAGAR
KHANAPARA
GUWAHATI- 781022

Advocate for : MR. P MAHANTA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : WP(C)/3346/2019

ANGSHUMAN HAZARIKA
S/O- KULA DHAR HAZARIKA
R/O- H NO. 11
CHANDMARI
RAGHUNATH CHOUDHURY NAGAR
NEAR HOLY CHILD SCHOOL
P.O- SILPUKHURI
PIN- 781003
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE CHIEF SECRETARY TO THE GOVT OF ASSAM
DISPUR
GUWAHATI- 781006

2:THE ASSAM PUBLIC SERVICE COMMISSION
REP. BY ITS CHAIRMAN
JAWAHAR NAGAR
GUWAHATI- 781022
3:THE SECRETARY
APSC
JAWAHAR NAGAR
KHANAPARA- 781022
4:THE PRINCIPAL CONTROLLER OF EXAMINATIONS
APSC
JAWAHAR NAGAR
KHANAPARA
GUWAHATI- 781022

Advocate for : MR. P MAHANTA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : WP(C)/3334/2019

ASHIM SAIKIA
S/O- PRANAB KR SAIKIA
R/O- H NO. 23
NANDANPUR PATH
OPP BHABENDALOY
P.O- BELTOLA
KAMRUP(M)
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE CHIEF SECRETARY TO THE GOVT OF ASSAM
DISPUR
GUWAHATI- 781006

2:THE ASSAM PUBLIC SERVICE COMMISSION
REP. BY ITS CHAIRMAN
JAWAHAR NAGAR
GUWAHATI- 22
3:THE SECRETARY
APSC
JAWAHAR NAGAR
KHANAPARA- 781022
4:THE PRINCIPAL CONTROLLER OF EXAMINATIONS
APSC
JAWAHAR NAGAR
KHANAPARA
GUWAHATI- 781022

Advocate for : MR. P MAHANTA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : WP(C)/4719/2020

LEENA DOLEY AND 6 ORS.
D/O- SURJYA KANTA DOLEY
R/O- L.K. PATH
BISHNUJYOTI NAGAR
JORHAT
DIST.- JORHAT
ASSAM
PIN- 785001
ROLL NO. 1502960

2: NEELANJANA DAS
D/O- LT. SATYENDRA NATH DAS
R/O- KAHILIPARA
GHY-19
DIST.- KAMRUP (M)
ASSAM
ROLL NO. 1006312

3: SANDHYA BANTI DUTTA BORAH
D/O- DR. D. DUTTA
R/O- WARD NO. 1
AMGURI TOWN
STATION ROAD
DIST.- SIBSAGAR
ASSAM
PIN- 785680
ROLL NO-1019960

4: MANAS PRATIM MIRI
S/O- HEM CHANDRA MIRI
R/O- KALAPAHAR
GHY- 18
DIST.- KAMRUP (M)
ASSAM
ROLL NO. 1018481

5: JYOTISH NATH
S/O- TANKESWAR NATH
R/O- BAMUNJHAR
DARRANG
DIST.- DARRANG
ASSAM
PIN- 784148
ROLL NO. 1001712

6: ASRAFUL HUSSAIN
S/O- ANOWAR HUSSAIN
R/O- ZOO NARENGI ROAD

SAHAB TILA
GHY-21
DIST.- KAMRUP (M)
ASSAM
ROLL NO. 1011702

7: ABHIJIT RONGPI
S/O- BHARATI RONGPI
R/O- LALMATI
BARSAJAI
GHY-29
DIST.- KAMRUP (M)
ASSAM
ROLL NO. 1013758
VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE CHIEF SECY. TO THE GOVT. OF ASSAM
DISPUR
GHY-06

2:THE ASSAM PUBLIC SERVICE COMMISSION
REP. BY ITS CHAIRMAN
JAWAHAR NAGAR
GHY-22
3:THE SECRETARY
ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPARA
GHY-22
4:THE PRINCIPAL CONTROLLER OF EXAMINATIONS
ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPARA
GHY-22
5:THE CONTROLLER OF EXAMINATIONS
ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPARA
GHY-22

Advocate for : MR. B D KONWAR SR. ADV.
Advocate for : SR. GA
ASSAM appearing for THE STATE OF ASSAM AND 4 ORS.

Linked Case : WP(C)/3368/2019

NIVEDITA SAIKIA
D/O- BANESWAR SAIKIA
R/O- KUSHAL NAGAR
SOUTH HAIBARGAON
P.O- HAIBARGAON
DIST- NAGAON
PIN- 782002
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE CHIEF SECRETARY TO THE GOVT OF ASSAM
DISPUR
GUWAHATI- 781006

2:THE ASSAM PUBLIC SERVICE COMMISSION
REP. BY ITS CHAIRMAN
JAWAHAR NAGAR
GUWAHATI- 781022
3:THE SECRETARY
APSC
JAWAHAR NAGAR
KHANAPARA- 781022
4:THE PRINCIPAL CONTROLLER OF EXAMINATIONS
APSC
JAWAHAR NAGAR
KHANAPARA
GUWAHATI- 781022

Advocate for : MR. P MAHANTA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : WP(C)/3364/2019

JYOTISHA SAIKIA
DAUGHTER OF LATE GOJEN SAIKIA
RESIDENT OF HOUSE NO. 44
CHANDMARI COLONY
P.O. CHANDMARI
PIN- 781003
DISTRICT- KAMRUP(M)
ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM
DISPUR
GUWAHATI- 781006.

2:THE ASSAM PUBLIC SERVICE COMMISSION
REPRESENTED BY ITS CHAIRMAN
JAWAHAR NAGAR
GUWAHATI- 781022.
3:THE SECRETARY

ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPARA- 781022.
4:THE PRINCIPAL CONTROLLER OF EXAMINATIONS

ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPARA
GUWAHATI- 781022.

Advocate for : MR. P MAHANTA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS.

Linked Case : WP(C)/3377/2019

NAVIN KUMAR RAY
S/O- RAM UDGAR RAY
R/O- VILL- AGBANDHA SAIDING
P.S. MARGHERITA
P.O. AGBANDHA SAIDING
DIST- TINSUKIA
PIN- 786187
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP. BY THE CHIEF SECY. TO THE GOVT. OF ASSAM

DISPUR
GHY-6

2:THE ASSAM PUBLIC SERVICE COMMISSION
REP. BY ITS CHAIRMAN
JAWAHAR NAGAR
GHY-22
3:THE SECRETARY
ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPARA- 781022
4:THE PRINCIPAL CONTROLLER OF EXAMINATIONS
ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPARA
GHY-781022

Advocate for : MR. P MAHANTA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS.

Linked Case : WP(C)/3348/2019

PANKAJ CHETRY
S/O- DHAN BAHADUR CHETRY
R/O- NS AREA PLOT X-55
P.O- DIGBOI
DIST- TINSUKIA
PIN- 786171
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE CHIEF SECRETARY TO THE GOVT OF ASSAM
DISPUR
GUWAHATI- 781006

2:THE ASSAM PUBLIC SERVICE COMMISSION
REP. BY ITS CHAIRMAN
JAWAHAR NAGAR
GUWAHATI- 781022
3:THE SECRETARY
APSC
JAWAHAR NAGAR

KHANAPARA- 781022
4:THE PRINCIPAL CONTROLLER OF EXAMINATIONS
APSC
JAWAHAR NAGAR
KHANAPARA
GUWAHATI- 781022

Advocate for : MR. P MAHANTA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : WP(C)/3595/2019

MOKLESUR RAHMAN
S/O- LUFTOR RAHMAN
R/O- COLLEGE ROAD
MATHPARA BYLANE
P.O. KHALILPUR
DIST- DHUBRI
PIN- 783325
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP. BY THE CHIEF SECY. TO THE GOVT. OF ASSAM
DISPUR
GHY-6

2:THE ASSAM PUBLIC SERVICE COMMISSION
REP. BY ITS CHAIRMAN
JAWAHAR NAGAR
GHY-22
3:THE SECRETARY
ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPARA- 781022
4:THE PRINCIPAL
CONTROLLER OF EXAMINATIONS
ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPARA
GHY-22

Advocate for : MR. R B GOHAIN

Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS.

Linked Case : WP(C)/3341/2019

SHALINI KHAN
D/O- SRI ROBIN KHAN
R/O- H NO. 120A
HONURAM BORO PATH
WALFORD KACHARI BASTI
GUWAHATI- 781005
DIST- KAMRUP(M)
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE CHIEF SECRETARY TO THE GOVT OF ASSAM
DISPUR
GUWAHATI- 781006

2:THE ASSAM PUBLIC SERVICE COMMISSION
REP. BY ITS CHAIRMAN
JAWAHAR NAGAR
GHY- 22
3:THE SECRETARY
APSC
JAWAHAR NAGAR
KHANAPARA- 22
4:THE PRINCIPAL CONTROLLER OF EXAMINATIONS
APSC
JAWAHAR NAGAR
KHANAPARA
GUWAHATI- 22

Advocate for : MR. P MAHANTA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

22.12.2020

Heard Mr. Tanmay Jyoti Mahanta, learned senior counsel assisted by Mr. Pankaj Pratim Dutta, learned counsel for the applicant Assam Public Service Commission (in short, APSC) and Mr. Nilayananda Dutta, learned senior counsel, the Amicus Curiae of the cases. Also heard Mr. Kamal Nayan Choudhury, learned senior counsel assisted by Mr. Preetam Mahanta, learned counsel for the petitioners in WP(C) Nos. 3341/2019, 3344/2019 and 3368/2019; Mr. Ramesh Chandra Barpatragohain, learned Advocate General, Assam for the State respondents and Mr. Bhaskar Dev Konwar, learned senior counsel for the petitioners in WP(C) No. 4719/2020.

The applicant APSC vide its No. 38.PSC/E-24/2017-18 issued Advertisement No. 09/2018 dated 17.05.2018 informing that Combined Competitive Examination, 2018 will be held for– (i) 43 posts of Assam Civil Service (ACS, in short) (Jr. Grade); (ii) 56 posts of Assam Land & Revenue Service (ALRS, in short) (Jr. Grade); (iii) 8 posts of Assam Police Service (APS, in short) (Jr. Grade); (iv) 10 posts of Superintendent of Taxes; (v) 1 post of Superintendent of Excise; (vi) 2 posts of Assistant Employment Officer; (vii) 10 posts of Labour Inspector; (viii) 32 posts of Inspector of Taxes and (ix) 3 posts of Inspector of Excise, altogether 165 posts.

In the said advertisement dated 17.05.2018, the applicant APSC also clarified that there shall be a Preliminary Examination of the Combined Competitive Examination, 2018 or screening of the candidates for the Main Examination for such recruitment to the

services/posts so advertised as per the actual number of vacancies in accordance with the APSC Combined Competitive Examination Rules, 1989.

In pursuance of the Government Letter No. AAP.346/2017/87 dated 25.06.2018, the APSC issued an Addendum on 26.06.2018 notifying all concerned that in continuation of the Advertisement No. 09/2018 dated 17.05.2018, there are another 95 (ninety five) posts of ACS (Junior Grade) and 1 (one) post of Labour Inspector in addition to the number of posts advertised earlier on 17.05.2018, in total 261 posts.

Said Combined Competitive (Preliminary) Examination, 2018 was held on 30.12.2018 in which 36,232 eligible candidates appeared and the APSC declared its result on 13.03.2019 notifying that altogether 3361 numbers of candidates have qualified to appear in the Combined Competitive (Main) (written) Examination. The APSC uploaded the answer keys of CC (Preliminary) Examination, 2018, in its website on 20.03.2019. As the answer keys published in the website of APSC on 20.03.2019 with regard to CC (Preliminary) Examination, 2018 were found to be wrong and since many candidates did not find their numbers amongst the candidates qualified to appear in the Combined Competitive (Main) Examination, 2018, they submitted representations before the APSC with different queries. The APSC of its own verified the answer keys of the CC (Preliminary) Examination, 2018 and found that there were few genuine inadvertence in the answer keys of some of the subjects and upon re-verification in consultation with the domain experts the APSC re-set the answer keys, processed the result and found that some more candidates should have been declared to be qualified to appear in the Combined Competitive (Main) Examination, 2018.

Accordingly, without prejudice to the results declared earlier on 13.03.2019 pertaining

to the CC (Preliminary) Examination, 2018, the APSC by Notification No. 83PSC/CON/E-24/2018-19 dated 30.04.2019 declared 408 numbers of additional candidates including 2 (two) candidates of OH category under the category of PWD to be qualified in the said Combined Competitive (Preliminary) Examination, 2018 held on 30.12.2018, in addition to those 3361 numbers of candidates whose results were declared on 13.03.2019 correcting its mistake and allowing the genuine candidates not to suffer. In that way APSC declared 3767 numbers of candidates to be qualified to appear in the Combined Competitive (Main) Examination, 2018.

As 21 (twenty one) numbers of candidates did not qualify to appear in the Combined Competitive (Main) Examination, 2018; they approached this Court in various writ petitions stating that the answer keys published by the APSC were wrong and they should be allowed to fill up the form for the said CC (Main) 2018 Examination and to appear in it. The Court by a common order dated 29.05.2019 passed in WP(C) No. 3228/2019 and the other 20 connected petitions allowed the 21 writ petitioner to submit their forms for the said 2018 Main Examination subject to the payment of requisite fees. During pendency of those writ petitions, the APSC of its own on verification allowed 9 (nine) writ petitioners of (i) WP(C) No.3229/2019 (Soumyanil Baruah -Vs- State of Assam & Ors.), (ii) WP(C) No. 3230/2019 (Jitul Chutia -Vs- State of Assam & Ors.), (iii) WP(C) No. 3231/2019 (Niharan Dutta -Vs- State of Assam &Ors.), (iv) WP(C) No. 3232/2019 (Saptadeepa Purkayastha -Vs- State of Assam & Ors.), (v) WP(C) No. 3342/2019 (Jyotimala Doley -Vs- State of Assam & Ors.), (vi) WP(C) No. 3375/2019 (Fazlul Karim Ahmed -Vs- State of Assam & Ors.), (vii) WP(C) No. 3376/2019 (Khaleda Anam -Vs- State of Assam & Ors.), (viii) WP(C) No. 3381/2019 (Mayuri Hazarika-Vs-State of Assam & Ors.), and (ix) WP(C) No. 3743/2019 (Ajay Handique -Vs- State of Assam &

Ors.) declaring them to have qualified to appear in the Combined Competitive (Main) Examination, 2018.

By a common order dated 29.05.2019, the Court allowed the petitioners of remaining 12 writ petitioners of WP(C) Nos. 3328/2019, 3319/2019, 3334/2019, 3341/2019, 3344/2019, 3346/2019, 3348/2019, 3368/2019, 3375/2019, 3377/2019 and 3696/2019 to appear in the Combined Competitive (Main) Examination, 2018 with the observation that the results shall not be declared and the same would be subject to the outcome of those writ petitions.

Later, by a common order dated 23.10.2019 passed in those twelve writ petitions the Court directed APSC not to declare the results of the Combined Competitive (Main) Examination, 2018 pursuant to its advertisement dated 17.05.2018 without the leave of the Court.

After hearing the learned counsels for the parties and the learned Amicus Curiae and after considering the materials submitted by the APSC including the affidavits/additional affidavits and replies of the parties, the Court by a common order dated 09.10.2020 passed in WP(C) Nos. 3328/2019 with I.A. (C) No. 1364/2020 and the other connected 11 writ petitions allowed the APSC to declare the results of the Written Examination pertaining to the Combined Competitive (Main) Examination, 2018 with regard to the posts advertised by the APSC on 17.05.2018 and the Addendum dated 26.06.2018 noted above.

By the said common order dated 09.10.2020, the Court also directed the APSC to conduct the Interview Test for the Combined Competitive (Main) Examination, 2018 as provided in Clause 5 (II) (B), (a), (b), (c) and (d) of the Advertisement No. 09/2018 dated 17.05.2018 with the rider that the APSC shall not declare the final results of the Combined

Competitive (Main) (Written + Interview) Examination, 2018 without leave of the Court.

Further, by the said common order dated 09.10.2020, while granting leave to the APSC to declare the result of the written examination of the Combined Competitive (Main) Examination, 2018, the Court clarified that the same shall not create any right to the petitioners as well as to those whom the APSC has declared to be qualified for their selection in the Combined Competitive (Main) Examination, 2018 in violation of the Rules of law. In addition to the above, the Court in that order dated 09.10.2020, observed that on being enquired, the APSC clarified that out of the 3361 candidates who were declared to have qualified in the Combined Competitive (Preliminary) Examination, 2018, on re-verification it found that 98 candidates ought not to have passed the Preliminary Examination, 2018 and they were not qualified to have participated and appear in the Combined Competitive (Main) Examination, 2018.

As the APSC has completed the selection of Combined Competitive (Main) (Written + Interview) Examination, 2018, it has filed this application seeking leave of the Court to publish the result of the selection with regard to the Advertisement dated 17.05.2018 and the Addendum dated 26.06.2018 pursuant to the order of the Court dated 09.10.2020 passed earlier in WP(C) Nos. 3228/2019, 3341/2019 and other connected 10 writ petitions, noted above. Yesterday, the APSC has placed the results of the said selection in sealed covers.

It has been placed before the Court by the applicant APSC that altogether 3758 numbers of candidates have been allowed by it to appear in the Combined Competitive (Main) Examination, 2018 that includes those 98 candidates, 9 (nine) petitioners of WP(C) No. 3229/2019, WP(C) No. 3230/2019, WP(C) No. 3231/2019, WP(C) No. 3232/2019, WP(C)

No. 3342/2019, WP(C) No. 3375/2019, WP(C) No. 3376/2019, WP(C) No. 3381/2019 and WP(C) No. 3743/2019 and the 12 (twelve) petitioners of WP(C) Nos. 3328/2019, 3319/2019, 3334/2019, 3341/2019, 3344/2019, 3346/2019, 3348/2019, 3368/2019, 3375/2019, 3377/2019 and 3696/2019 in terms of the orders of the Court dated 29.05.2019 and 30.07.2019.

However, out of those 3758, only 3218 candidates appeared in the Combined Competitive (Main) Examination, 2018 including 68 out of those 98 such ineligible candidates.

After the order of the Court dated 09.10.2020, the APSC on 12.10.2020 declared the results of the Combined Competitive (Main) (Written) Examination, 2018 and from it 544 candidates were called for the Combined Competitive (Main) (Interview) Examination, 2018, out of which 541 appeared in the Interview, which includes 8 candidates out of the 68 candidates amongst 98 who were ineligible to appear in the Combined Competitive (Main) Examination, 2018 and 3 out of the 12 petitioners of WP(C) Nos. 3328/2019, 3319/2019, 3334/2019, 3341/2019, 3344/2019, 3346/2019, 3348/2019, 3368/2019, 3375/2019, 3377/2019 and 3696/2019 who were directed to appear in the Combined Competitive (Main) Examination, 2018 by the Court in its order dated 30.07.2019, noted above.

From the results of the Combined Competitive (Main) (Written + Interview) Examination, 2018 placed by the APSC in sealed covers it is seen that 2 out of 3 writ petitioners of WP(C) Nos. 3341/2019, 3344/2019 and 3368/2019 from the batch of twelve writ petitions noted above and 4 out of 8 from 98 such ineligible candidates have cleared the Combined Competitive (Main) (Written + Interview) Examination, 2018.

We have also heard Mr. B.D. Konwar, learned senior counsel representing seven writ

petitioners of WP(C) No. 4719/2020 who appeared in the Combined Competitive (Main) (Written) Examination, 2018, but could not qualify the same. The petitioners of said WP(C) No. 4719/2020 did not challenge the selection of 98 ineligible candidates, who were allowed by the APSC to appear in the Combined Competitive (Main) (Written) Examination, 2018 and also did not challenge the order of the Court dated 29.05.2019 whereby twelve writ petitioners were allowed to submit their forms for appearing in the Combined Competitive (Main) (Written) Examination, 2018 as well as the order dated 30.07.2019 by which those twelve writ petitioners were directed to appear in the said Main Written Examination, 2018. It is only when they could not qualify the Combined Competitive (Main) (Written) Examination, 2018 that they have preferred the said WP(C) No. 4719/2020.

The dispute is only with regard to 98 ineligible candidates who were declared by the APSC to have qualified to appear in the Combined Competitive (Main) (Written) Examination, 2018 and with regard to those 12 writ petitioners who were allowed to submit their forms in the Combined Competitive (Main) (Written) Examination, 2018 and to appear in the said Examination by the Court in its orders dated 29.05.2019 and 30.07.2019 as noted above without being qualified in the Combined Competitive (Preliminary) Examination, 2018.

As such, leaving aside those 2 out of 3 writ petitioners of WP(C) Nos. 3341/2019, 3344/2019 and 3368/2019 from the batch of twelve writ petitions noted above and 4 out of 8 from 98 such ineligible candidates who have cleared the Combined Competitive (Main) (Written + Interview) Examination, 2018, there appears to be no dispute with regard to the remaining 255 candidates.

After hearing the learned counsel for the parties and considering the matter in its

entirety, the applicant APSC is directed to publish the results of the Combined Competitive (Main) (Written + Interview) Examination, 2018 pursuant to the Advertisement dated 17.05.2018 and the Addendum dated 26.06.2018 pertaining to those 255 candidates. However, the applicant APSC shall not declare the results of Roll Nos. 1010716, 1013210 out of the three writ petitions i.e. WP(C) 3341/2019, 3344/2019 and 3368/2019 presently pending before the Court and Roll Nos. 1018525, 1020895, 1022654, 1100550 amongst the 8 out of 68 ineligible candidates who participated in the Combined Competitive (Main) (Written + Interview) Examination, 2018.

The State Government in terms of the Advertisement No. 09/2018 dated 17.05.2018 and the Addendum dated 26.06.2018 shall not fill up 3 (three) posts of ACS out of 138, 1 (one) post of ALRS out of 56, 1 (one) post of Inspector of Taxes out of 32 and 1 (one) post of Labour Inspector out of 11 until further orders of the Court.

Further, the APSC shall retain the answer scripts of the Combined Competitive (Preliminary) Examination, 2018 as well as the Combined Competitive (Main) (Written) Examination, 2018 of the three writ petitioners of WP(C) Nos. 3341/2019, 3344/2019 and 3368/2019 as well as the seven writ petitioners of WP(C) Nos. 4719/2020 until further orders of the Court.

With the above direction and observation, the Interlocutory Application being I.A. (Civil) No. 2220/2020 in WP(C) No. 3341/2019 is allowed to the extent indicated above.

The Registry shall list WP(C) Nos. 3341/2019, 3344/2019, 3368/2019 and 4719/2020 along with WP(C) No. 3334/2019, WP(C) No. 3346/2019, WP(C) No. 3348/2019, WP(C) No. 3364/2019, WP(C) No. 3377/2019, WP(C) No. 3595/2019 and WP(C) No. 3696/2019 and the

pending Interlocutory Applications filed in the first three writ petitions after the ensuing winter vacation on a date to be fixed by it.

JUDGE

Comparing Assistant