GAHC040017152024 undefined

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

Case No. : WP(C)/585/2024

Dolang Lucky
Son of Shri Dolang Bharat, permanent resident of Village Lumba, PO and PS Palin, Kra Daadi District, Arunachal Pradesh.

VERSUS

The State of AP and 5 Ors
represented by the Secretary/ Commissioner, Urban Development and Housing, Govt of Arunachal Pradesh, Itanagar, PO and PS Itanagar, Papum Pare District, Arunachal Pradesh.

2:The Secretary
Age: 0
Occupation :
Sports and Youth Affairs
Govt of Arunachal Pradesh
Itanagar
PO and PS Itanagar
Papum Pare District
Arunachal Pradesh.

3:The Secretary
Age: 0
Occupation :
Administrative Reforms
Govt of Arunachal Pradesh
Itanagar
PO and PS Itanagar
Papum Pare District
Arunachal Pradesh.

4:The Chairman of Selection Committee cum Commissioner

Age: 0
Occupation :
UD and Housing of Walk in interview dated 11.10.2023
Itanagar
PO and PS Itanagar
Papum Pare District
Arunachal Pradesh.

5:Ms Tap Menia
Age: 0
Occupation :
Daughter of Shri Tap Tapuk
resident of Yattap
PO and PS BoaSimla
Kamle District
Arunachal Pradesh.

6:Bamang Ampa
Age: 0
Occupation :
Son of Shri Bamang Tashi
Village Pado
PO Parsi Parlo
PS Koloriang
Kurung Kumey District
Arunachal Pradesh

Advocate for the Petitioner : Nikita Danggen, K Gao,Honi Tana Tara,K Chotton,Oken Duggong

Advocate for the Respondent : GA (AP), Dicky Panging, Sr. Adv,Tokge Darin,Marge D,Daina Tamuk

:::BEFORE:::

HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

For the Petitioner : Ms. Nikita Danggen, Advocate.

For the Respondents : Mr. D. Panging, Sr. Advocate;
Mr. N. Ratan, Addl. A.G. (AP).

Date on which Judgment is reserved : 13.08.2026

Date of pronouncement of Judgment : **07.10.2026**

Whether the pronouncement is of the

operative part of the Judgment? : NA

Whether the full Judgment has been

pronounced? : Yes

Judgment & Order (CAV)

Heard Ms. N. Danggen, learned counsel, appearing for the petitioner. Also heard Mr. N. Ratan, learned Additional Advocate General, Arunachal Pradesh; and Mr. D. Panging, learned Senior Counsel, assisted by Mr. T. Darin, learned counsel, appearing for the respondent no.5; None has appeared for the respondent no.6.

2. The petitioner in the present writ petition has presented a challenge to the selection and appointment of the Respondent No.5, as a Junior Engineer (Civil) in the Department of Urban Development and Housing, Government of Arunachal Pradesh, effected vide order dated 11-11-2024, against the quota prescribed for meritorious sports

persons.

3. The facts in brief requisite for adjudication of the issue arising in the present writ petition is noticed as under;

3.1. The petitioner in pursuance to an advertisement dated 26-11-2021 inviting applications, from Meritorious Sports Persons, for recruitment against the 02 (two) posts of Junior Engineer (Civil) Group-'B' Non Gazetted, in the Department of Urban Development & Housing, Government of Arunachal Pradesh, Itanagar, had submitted his application against the same. It is to be noted that vide an addendum dated 26.05.2021, it was stipulated that the mode of selection in pursuance to the advertisement dated 26-11-2021, would be in terms of the Office Memorandum dated 02.09.2020.

3.2. The petitioner in the present writ petition has projected that he is a meritorious sports person having participated in the sport of "Tug of War" and was awarded a Silver Medal in the 34th Senior "Tug of War", National Championship. The petitioner has also projected that he had received further medals in the said sport. The Respondent Authorities upon scrutiny of the applications received in pursuance to the said advertisement dated 26-11-2021, invited the persons who were found to be eligible for participating in a walk-in-interview held on 11-

10-2023. The petitioner who was also found to be eligible had participated in the said walk-in interview along with the Respondent No.5 and other eligible candidates. The Selection Committee so constituted, proceeded to recommend the name of one Likha Lej at serial no.1 and the respondent no.5, at serial no.2, on merits for appointment against the advertised post of Junior Engineer. Further, the respondent no.6 and one Dolang John were included in waiting list at serial nos.1 and 2, respectively. The petitioner on coming to learn about the selection of the respondent no.6, approached the respondent authorities by way of filing representations, contending that the respondent no.6, could not have been selected, ignoring the merit of the petitioner, in terms of the preference required to be given to the meritorious sports persons, reckoning the medals received by them, as set out in the Office Memorandum dated 04.05.1995, issued by the Government of India, Ministry of Personnel P.G. & Pensions (Department of Personnel and Training), which was adopted by the Government of Arunachal Pradesh. The representations submitted by the petitioner were not given a consideration and accordingly Likha Lej, who was placed at serial no.1, in the merit list prepared after the selection process was appointed, and the respondent no.6 was also appointed as a Junior Engineer against one of the advertised post vide an order

dated 04.10.2024.

Being aggrieved, the petitioner has instituted the present writ petition.

4. Ms. N. Danggen, learned counsel for the petitioner, by reiterating the facts noticed, hereinabove, has drawn the attention of this Court to the prescriptions made in the Office Memorandum dated 04-05-1995 and has submitted that for the recruitment against the quota mandated to be filled up from amongst meritorious sports persons, in terms of the policy decision adopted in this connection by the Government of Arunachal Pradesh, the first preference is to be given to a candidate who had represented the country in an international competition with the clearance of the Department of Youth Affairs and Sports. She submits that the next preference is to be given to a candidate who has represented a State in the Senior or Junior Level National Championships organized by the National Sports Federations, recognized by the Department of Youth Affairs & Sports or National Games organized by the Indian Olympic Association, and have won medals or positions, therein, up to the third place. She submits that amongst candidates securing medal in a Senior and a Junior National Championship, preference is to be given to the candidate who had participated and won medal in a Senior National Championship.

4.1. Ms. N. Danggen, learned counsel, appearing for the petitioner,

submits that the sport of Tug-of-War, is one of the recognized sports, wherein, participation, would entitle a sports person to be considered as a meritorious sports person for recruitment against the quota mandated for the said category. She submits that while the petitioner had secured a silver medal in a National Senior Level Championship, the respondent no.6, had secured such medal only in a Junior Level Championship and accordingly, it is the petitioner, herein, who would have to be given preference over the respondent no.6, in the matter of selection against the post advertised, vide the advertisement dated 26-11-2021.

4.2. Ms. Danggen, has submitted that the walk-in interview basing on which the selection and appointment was made in pursuance to the advertisement dated 26-11-2021, was not conducted in terms of the Office Memorandum dated 04.05.1995, and she submits that the respondent authorities noticing the said position had conducted a review, thereof, and the Review Selection Board, on a review of the list so prepared in pursuance to the said walk-in-interview, had in its meeting held on 02.12.2025, opined that the list so prepared after the walk-in-interview was not as per the score sheet and consolidated statement of shortlisted candidate prepared by the Scrutiny Board which was constituted vide an order dated 08.02.2022. She submits that the minutes of the Review Selection Board meeting, would reveal

that in the earlier meeting held on 08.02.2022, the Board had scrutinized the candidates strictly basing on the preference required to be extended in terms of the Office Memorandum dated 04.05.1995. She submits that a perusal of the consolidated statement scoring pattern was prepared earlier, would go to reveal that while Likha Lej was placed at serial no.1 on merits, one Dolang John was placed at serial no.2 and the petitioner, herein, was placed at serial no.3, by the said Review Selection Board, in terms of the preference required to be extended for selection of meritorious sports persons in terms of the Office Memorandum dated 04-05-1995. She submits that the respondent no.6, herein, was placed at serial no.9 while the respondent no.6 was so placed at serial no.8. Accordingly, Ms. Danggen, further summits that Dolang John who was placed at second position in the waiting list on merits by the said Board, had submitted an application before the respondent authorities withdrawing his candidature from the selection process. Accordingly Ms. Danggen submits that the petitioner, who was placed on merit at serial no.3, would now be required to be construed to be placed at serial no.2 and accordingly, the petitioner was required to be appointed against one of the post of Junior Engineer advertised vide the advertisement dated 26.11.2021, along with said Likha Lej.

4.3. Ms. Danggen, has further submitted that the petitioner not

being recruited against the post of Junior Engineer as advertised vide the advertisement dated 26.11.2021, had participated in a separate selection process, instituted subsequently, for recruitment against the post of Forester and basing on the certificates which were considered during the selection held in pursuance to the advertisement dated 26.11.2021, and the petitioner was recruited as Forester, however, she submits that the Forester is a Group-C post while the post of Junior Engineer (civil) is a Group-B post and accordingly, having been a higher post, the petitioner having been pursuing the matter for his selection as Junior Engineer in pursuance to the advertisement dated 26.11.2021, the subsequent selection and appointment of the petitioner, as Forester, should not come in the way of the petitioner being appointed as Junior Engineer in pursuance to the advertisement dated 26.11.2021, in terms of the merit position assigned to him by the Selection Committee and also in the light of the withdrawal of the candidature by one Dolang John who was placed above him on merits.

4.4. Ms. Danggen, in the above premises, submits that the selection and appointment of the respondent no.6, would mandate an interference from this Court with a further direction to the respondent authorities for appointing the petitioner against one of the post of Junior Engineer as advertised vide the advertisement 26.11.2021.

5. Mr. N. Ratan, learned Additional Advocate General, has at the outset submitted that the recruitment against the quota prescribed for meritorious sports persons against various posts, in terms of the policy decision adopted by the Government of Arunachal Pradesh, is to be so effected by following the preference set out in the Office Memorandum dated 04.05.1995.

5.1. Mr. Ratan, has further submitted that the Board as constituted for conducting the walk-in-interview, admittedly had not considered the recommendations made by the Scrutiny Board constituted in the matter for examining the medals obtained by the shortlisted candidates. He submits that on the basis of the complaint received in the matter, the respondent authorities had constituted a Review Selection Board and the Review Selection Board had reviewed the select list as well as the waiting list prepared by the Board constituted for conduct of the walk-in-interview on 11.10.2023. On a perusal of the recommendation of the said Board, the Review Committee had opined that the selection so made was not as per the score sheet and consolidated statement of shortlisted candidates prepared by the Scrutiny Board constituted by the Government vide the order dated 08.02.2022. He submits that the Review Board had further opined that the score sheet and consolidated statement of shortlisted candidates was prepared by the said Scrutiny

Board strictly in accordance with the provisions of the said Office Memorandum dated 04.05.1995.

5.2. Mr. Ratan, however submits that the decision of the Review Selection Board was not taken to its logical conclusion in view of the pendency of the present proceedings before this Court. Accordingly, this Court would be pleased to pass appropriate directions as would be mandated in the matter.

6. Mr. D. Panging, learned Senior Counsel, for the respondent no.5, at the outset has disputed the contentions raised by the learned counsel for the petitioner that the respondent no.5, was not eligible to be so appointment against the 02 (two) posts of Junior Engineer as advertised vide the advertisement dated 26.11.2021. Mr. Panging, summits that the selection and appointment of the respondent no.6, has not been alleged by the petitioner, herein, to have been effected on account of any fraud or misrepresentation committed by the respondent no.6, and the respondent no.6 having continued in her services in pursuance to the order dated 04.10.2024, the same would not mandate an interference from this Court.

6.1. Mr. D. Panging, has further submitted that the petitioner already having been recruited in a separate recruitment process against the post of Forester and he having been so appointed vide an order

dated 10.06.2024, the petitioner now cannot again claim for consideration of his case for appointment again on the basis of being a meritorious sports person. He submits that a person who is denoted as a meritorious sports person would be entitled to only one appointment and on being so appointed cannot claim to be again considered for appointment against another post.

6.2. In the above premises Mr. D. Panging, submits that the selection and appointment of the respondent no.6, would not mandate an interference from this Court.

7. I have heard the learned counsel for the parties and also perused the materials available on record.

8. Vide the advertisement dated 26.11.2021, 02 (two) posts of Junior Engineer (Civil) Group- 'B' Non Gazetted, was advertised by the Department of Urban Development and Housing, Itanagar. The said advertisement was so made for recruitment against the said posts from amongst meritorious sports person. The Government of Arunachal Pradesh had adopted a policy decision to fill up 5 % of posts in a cadre from amongst persons who are denoted as meritorious sports person i.e., persons who had participated in sports in various disciplines of sports representing the State and had brought laurels to the State, therein.

9. The petitioner, herein, had participated in the sport of "Tug-of-War", and had secured medals in National Level Competitions held in the matter. The respondent no.6, similarly has also participated in the sport of karate and had also secured medals.

10. The issue arising in the present writ petition is as to the manner in which the meritorious sports person are to be selected for appointment against the identified post in terms of the policy decision of the Government of Arunachal Pradesh. The Government of Arunachal Pradesh had adopted an Office Memorandum dated 04.05.1995, issued by the Government of India, Ministry of Personnel, P.G. & Pensions, wherein, the mode of selection of meritorious sports persons were set up. In terms of the mode of selection so set up, the preference for selection of meritorious sports person is to be considered in the following manner:

> (a) First preference to those candidates who have re-presented the country in an International Competition with the clearance of the Department of Youth Affairs & Sports.
>
> (b) Next preference may be given to those who have represented a State/U.T. in the Senior or Junior level National Championships organized by the National Sports Federations recognized by Deptt. of Youth Affairs & Sports or National Games organized by Indian Olympics Association and have won medals or positions up to 3rd place. Between the candidates participating in Senior and Junior National Championships/games, the candidates having participated and won medal in Senior National Championship should be given preference.

(c) Next preference may be given to those, who have represented a University in an Inter-University competition conducted by Association of Indian Universities/Inter University Sports Board and have won modals or positions upto 3rd place in finals.

(d) Next preference may be given to those who have re-presented the State Schools in the National sports/games for Schools conducted by the All-India School Games Federation and have won medals or positions upto 3rd place.

(e) Next preference may be given to those, who have been awarded National Award in physical efficiency under National Physical Efficiency Drive.

(f) Next preference may be given to those, who represented a state/Union Territory/University/State School Teams at the level mentioned in categories (b) to (d) but could not win a modal or position, in the same order of preference."

11. The respondent authorities after short listing of the candidates, it is seen from the materials brought on record that the medals secured by the shortlisted candidates were considered by a Scrutiny Board, constituted vide order dated 08.02.2022. The Board thereafter, submitted its recommendation in the matter which would be noticed latter in the present order. The respondent authorities thereafter required short listed candidate to appear in a walk-in-interview to be held on 11.10.2023. The Committee so constituted for conduct of the said walking interview, on a scrutiny of the testimonials regarding meritorious achievement in their respective sports, and also after having personal interaction with the candidates, proceeded to recommended one Likha Lej and the respondent no.5, herein, at serial no.1 and No.2, on merits, for recruitment against the post advertised vide advertisement dated 26.11.2021. The Committee also recommended

the names of the respondent no.6 and one Dolang John, to be included in the waiting list so prepared. Thereafter, on completion of the requisite formalities, said Likha Lej and the respondent no.5 were appointment against the advertised post of Junior Engineer. The respondent no.5 was so appointed vide an order dated 04.10.2024. Thereafter, from the materials brought on record, it is found that basing on the complaints made in the matter with regard to the manner of selection of candidates in pursuance to the advertisement dated 26.11.2021, the Government had set up a Review Selection Committee for examining the selection so made. The said Committee was so constituted vide order dated 26/24.11.2025.

12. The Review Selection Committee, in its meeting held on 02.12.2025, re-verified the merit list of Junior Engineer, recruited during the year 2023, against the meritorious sports persons quota and on such Review proceeded to draw its conclusions in the matter. The minutes of the said proceedings of the Review Scrutiny Board, being relevant, the same is extracted hereinbelow;

> " BOARD PROCEEDING
>
> In pursuance to letter No. UDH-11012(26)/3/2021 (E-28791) dated the 26th Nov 2025, the following Board members assembled in the office chamber of the Joint Director (UD) on 02/12/2025 at 1100 Hrs to re-verify the merit list of Junior Engineer (UD) recruited during the year 2023 under MSP job quota.

1. Shri Nixon Lego, Joint Director (UD)

- Chairman

2. Shri Karbia Dodum, Asstt. Director (Sports) Member

3. Shri Nada Apa, Sports Officer (Sports)

- Member

After thorough examination of the recruitment process & preparation of merit list thereof, the following observation is hereby made: -

The recommendation of candidates for appointment & waiting list prepared by the Board constituted vide order No. UDH-11012(26)/3/2021 (e-28791) dated 21 Sept 2023 during walk-in-interview held on 11th Oct'2023 at 1100 Hrs in the office chamber of Commissioner (Urban Affairs) is not as per the score sheet & consolidated statement of short-listed candidates prepared by the scrutiny Board members constituted vide order No. UDH-11012(26)/3/2021/7422-23 dated 8th Feb 2022 prepared in accordance with office memorandum No. 14034/1/95 Estt. (D) dated 04/5/1995 issued by the Government of India, Ministry of Personnel, P.G & Pensions (Department of Personnel & Training).

13. A perusal of the minutes of the Review Selection Committee held on 02.12.2025, would go to reveal that the selection made by the Committee constituted for conducting the walk-in-interview had not made the said selection in terms of the score-sheet and consolidated statement of shortlisted candidates, prepared by a Scrutiny Board, which was constituted vide an order dated 08.02.2022. The Review Selection Committee had further opined that the earlier Scrutiny Board had scored the candidates in terms of the preference set out in the

Office Memorandum dated 04.05.1995. The scoring of the shortlisted candidate is also brought on record and on a perusal, thereof, this Court finds that Likha Lej was placed at serial no.1 on merits, while Dolang John was placed at serial no.2 on merits. The petitioner no.1, herein, was placed at serial no.3, while the respondent nos.6 and 5, were so placed at serial nos.8 and 9 respectively, on merits. The said position as obtaining in the matter is not disputed by the learned counsel for the parties.

14. This Court, on a perusal of the scoring made in respect of the shortlisted candidates by the Scrutiny Board constituted in the matter, finds that the said scoring was so made, strictly applying the preference as set out in the Office Memorandum dated 04.05.1995. The Government of Arunachal Pradesh while adopting the policy decision having also decided that the Selection would be made in terms of the preference set out in the Office Memorandum dated 04.05.1995, this Court is of the considered view that it is only by applying the preferences as set out in the said Office Memorandum dated 04.05.1995, that candidate can be selected for recruitment against the quota mandated for meritorious sports persons.

15. In view of the said position, coming on record and the

decision of the Review Scrutiny Committee not being challenge by the respondent no.5 and/or any other person, this Court is of the considered view that the merit position obtained by the candidates in the merit list prepared earlier by the Scrutiny Committee constituted vide order dated 08.02.2022, which was reaffirmed by the Review Scrutiny Committee in its meeting held on 02.12.2025, is the one which is to be considered for effecting appointments against the posts advertised vide the advertisement dated 26.11.2026.

16. At this stage, this Court would notice that Dolang John who was placed at serial no.2, on merits, by the earlier Scrutiny Committee, had submitted an application before the respondent authorities withdrawing his candidature from the selection process. Accordingly, the petitioners who was placed at serial no.3, by the said Scrutiny Committee, would now have to be deemed to have placed at serial no.2 on merits, on withdrawal of his candidature by said Dolang John.

17. Accordingly, this Court finds that the respondent authorities ought to have appointed said Likha Lej and the petitioner against the 02 (two) posts of Junior Engineer advertised vide the advertisement dated 26.11.2021. The respondent nos.5 and 6, being found to have been placed, therein, by the Scrutiny Committee, at serial nos.9 and 8, on

merits, this Court is of the considered view that the respondent nos.5 and 6, not being placed within the merit position mandated for their appointment against the post advertised vide the advertisement dated 26.11.2021, the order dated 11.11.2024, appointing the respondent no.5, against the post of Junior Engineer would mandate an interference from this Court.

18. Having drawn the said conclusions, this Court would now consider the contentions raised by the learned Senior Counsel for the respondent no.5, that the petitioner, herein, already being appointed against the post of Forester vide the order dated 10.06.2024, against a quota meant for meritorious sports persons, the petitioner would not be entitled to claim appointment against the post of Junior Engineer as advertised vide the advertisement dated 26.11.2021.

19. As noticed, hereinabove, the advertisement for recruitment against the post of Junior Engineer in the Department of Urban Development and Housing, Government of Arunachal Pradesh, was so issued on 26.11.2021, and the selection process was done on 10.10.2023. The respondent no.5, herein, was so appointed, in pursuance to the selection process effected sometime in the month of November, 2024. The advertisement for the post of Forester was so

issued sometime, in the month of December 2023, and the select list was published on 14.03.2024. The petitioner was so appointed as a Forester, against the quota meant for meritorious sports persons, vide an order dated 10.06.2024.

20. This Court also finds that the post of Forester is a Group-C post while the post of Junior Engineer admittedly being a Group-B post is higher than the post of Forester. The selection and appointment of the petitioner in pursuance to a subsequent selection process initiated for recruitment against the post of Forester, in the considered view of this Court, would not extinguish the right accruing to the petitioner for having a case considered for appointment against the post of Junior Engineer, when she, therein, is found to have been placed above the respondent no.5, on merits, by the Scrutiny Board, in terms of the preference required to be extended for such recruitment under the provisions of the Office Memorandum dated 04.05.1995. Accordingly, the said contentions of the learned Senior Counsel for the respondent no.5 stands rejected.

21. In view of the above discussion, this Court proceeds to set aside the selection of the respondent no.5 against the post of Junior Engineer as advertised vide advertisement dated 26.11.2021. This Court

also interferes with the selection and appointment of the respondent no.6 in the waiting list for the said post.

22. Consequently, the appointment of the respondent no.5, as Junior Engineer, effected vide order dated 04.10.2024, also stands set aside.

23. In view of the interference made by this Court with the selection and appointment of the respondent no.5, effected vide order dated 04.10.2024, this Court directs the respondent authorities to appoint the petitioner, herein, against one of the post of Junior Engineer advertised vide the advertisement dated 26.11.2021 w.e.f., the date of the respondent no.5 was so appointed. However, the petitioner would not be entitled to any back wages and the petitioner would be entitled to only notional fixation of his salaries, w.e.f., the date on which the respondent no.5 was so appointment. The petitioner would also be entitled to reckon his seniority against the post of Junior Engineer w.e.f. the date the respondent no.5 was so originally appointed.

24. This Court having interfered with the appointment of the respondent no.5, on the ground that she was not found to be placed within merits position, however, it is provided that the salaries drawn by the respondent no.5, be not recovered by the respondent authorities.

25. Consequential orders towards compliance of the directions passed, hereinabove, be issued by the respondent authorities within a period of 01 (one) month from the date of receipt of a certified copy of this order.

26. With the above observations and directions, the present writ petition stands disposed of.

JUDGE

Comparing Assistant