

GAHC010046682024



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

Case No. : WP(C)/1300/2024

PARTHA PRATIM BORA
S/O SRI ARUN BORA, R/O VILL- PULIBOR GONDHIA GAON, NEAR
KHABAR PRESS, JORHAT, DIST- JORHAT, ASSAM, PIN-785006

VERSUS

THE UNION OF INDIA AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF INDIA, MINISTRY OF HOME AFFAIRS, NEW DELHI-1100101

2:UNION OF INDIA
REPRESENTED BY ITS SECRETARY
MINISTRY OF PERSONNEL PENSION AND PUBLIC GRIEVANCE
DEPARTMENT OF PERSONNEL AND TRAINING
NORTH BLOCK
NEW DELHI-110001

3:STAFF SELECTION COMMISSION
REPRESENTED BY THE CHAIRMAN LODHI ROAD
BLOCK NO. 12
CGO COMPLEX
NEW DELHI-110003

4:REGIONAL DIRECTOR (NER)
STAFF SELECTION COMMISSION
HOUSEFED COMPLEX
LAST GATE- BASISTHA ROAD
P.O.-ASSAM SACHIVALAYA
DISPUR
GUWAHATI
78100

Advocate for the Petitioner : MR. R SARMA

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

BEFORE
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

03.04.2024

Heard Mr. R. Sarma, learned counsel for the petitioner. Also heard Ms. B. Sharma, learned CGC for all the respondents.

2. The petitioner belongs to OBC category and has participated in a selection process for recruitment to the post of Constable (GD) in the Central Armed Police Forces pursuant to an advertisement dated 21.07.2018. Though petitioner belongs to the Reserved Category candidate, he secured more marks than some of the selected General Category candidates in the selection process. However, appointment order was not issued to the petitioner on the ground that he had availed of the chest and height relaxation prescribed for all candidates of the State of Assam. Therefore, the stand of the respondents is that the petitioner could have been considered only for Reserved Category and not for General Category post.

3. Learned counsel for the petitioner submits that this case is covered by the order dated 05.01.2024 passed in WP(C) No.7588/2023.

4. Ms. B. Sharma, learned CGC also fairly submits that the present case is covered by the order dated 05.01.2024 passed in WP(C) No.7588/2023. She also submits that the petitioner can be appointed against General Category post provided his marks are higher than the last selected General Category candidates.

- 5.** After hearing learned counsel for the parties and on perusal of the order dated 05.01.2024 passed in WP(C) No.7588/2023, this Court finds that the present case is a covered case.
- 6.** Accordingly, this Court is of the view that relaxation in height and chest availed by the petitioner cannot disentitle him for consideration against the General Candidate vacancies if he has secured more marks than the last selected General Category candidates.
- 7.** In view of above, this Court directs the respondents to accommodate the petitioner as and when vacancy arises to the post of Constable (GD) in any Central Armed Police Forces after verifying whether the petitioner has secured higher marks than the last selected General Category candidates.
- 8.** With the above observations and directions, this writ petition is disposed of.

JUDGE

Comparing Assistant