

GAHC010011422014



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

Case No. : WP(C)/3102/2014

BHABEN SAIKIA

S/O- SRI GUNA RAM SAIKIA, R/O- and P.O.- BONGALDHORA, DIST.-
MORIGAON, ASSAM.

VERSUS

THE STATE OF ASSAM AND 8 ORS

REP. BY THE COMMISSIONER and SECY., LEGAL METROLOGY DEPTT.,
DISPUR, GHY-- 6.

2:THE CONTROLLER OF LEGAL METROLOGY

ULUBARI

GUWAHATI-7

3:THE SELECTION COMMITTEE

REPRESENTED BY THE CHAIRMAN

4:THE REGISTRAR

LEGAL METROLOGY ULUBARI

GUWAHATI-7

5:SRI HEMENDRA TERON

THE REGISTRAR

LEGAL METROLOGY ULUBARI

GUWAHATI-7

6:SRI AMARESH SARMA

SON OF LT. CHANDRA KANTA SARMA

R/O- BATSOR

P.O- BATSOR

DIST- NALBARI
ASSAM

7:SRI BHABESH TERON
SON OF SRI HEMENDRA TERON
R/O- NABAGRAHA HOUSING COLONY ROAD
BAPUJI NAGAR
PO- SILPUKHURI
DIST- KAMRUP M
ASSAM

8:SMTI. DAMAYANTI NATH
D/O- LT. LARIYA NATH
O/O- THE CONTROLLER OF LEGAL METROLOGY
ASSAM
RK MISSION ROAD
ULUBARI
GUWAHATI-7

9:MD. SALMAN ALI
S/O- REZAK ALI
C/O- SRI P RAVA
DECT
ASSAM
REHABARI
GUWAHATI-

Advocate for the Petitioner : MS.R GOGOI

Advocate for the Respondent : MR.N DASR-9

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

27.03.2024

Heard Mr. P. J. Saikia, learned counsel appearing for the petitioner. Also heard Ms. M. Bhattacharjee, learned Additional Senior Government Advocate, Assam, appearing for the respondents No. 1, 2 and 3. None appears for the respondent Nos. 4 to 9.

2. The challenge in the present proceedings is to the recruitment process as initiated in pursuance to an advertisement issued in the year 2013 by the Controller of Legal Metrology, Assam, for recruitment to 20 posts of Manual Assistant, 2 posts of Laboratory Attendant and 17 posts of Peon/Chowkidar cum Peon. The petitioner also challenges the select list for the said posts as published in pursuance to the process of recruitment so undertaken.

3. In pursuance to the said advertisement, the petitioner submitted applications for recruitment against the posts of Laboratory Attendant and Peon/Chowkidar cum Peon. The petitioner being found to have satisfied the eligibility criteria as prescribed in the advertisement, was issued call letter for appearing in the interview to be held for the posts of Laboratory Attendant and Peon/Chowkidar cum Peon. The petitioner appeared in the said selection process. It is contended that the petitioner, on coming to learn that there was large scale irregularities in the said selection process, submitted application under the Right To Information Act seeking certain information and, in response thereto, the respondent authorities, vide their reply dated 29.04.2014 furnished to the petitioner the required information along with the select list for the posts of Manual Assistant, Laboratory Attendant and Peon/Chowkidar cum Peon. The petitioner having received the information along with the select list, has instituted the present proceedings assailing the said select list as prepared by the respondent authorities for filling up the posts of Manual Assistant, Laboratory Attendant and Peon/Chowkidar cum Peon.

4. A perusal of the pleadings, as brought on record by the petitioner, would reveal that the petitioner had applied only for the posts of Laboratory Attendant and Peon/Chowkidar cum Peon and, accordingly, the consideration of the case of the petitioner would be confined to the recruitment process as undertaken for the said two posts only. The contentions made by the petitioner with regard to the posts of Manual Assistant are not being considered in view of the fact that the petitioner had not offered his candidature for the said post.

5. The petitioner has assailed the select list prepared for the posts of Laboratory Attendant and Peon/Chowkidar cum Peon on the ground that the respondent No. 8, who was selected for the post of Laboratory Attendant, had procured a certificate from the Headmaster, Hajo F.M. High School certifying that she had passed Class VIII examinations, without having studied in the said school. It is also contended that the respondent No. 8 is a relative of the Controller of legal Metrology, Assam and, accordingly, the said authority being the appointing authority had influenced the selection committee to select the respondent No. 8 for the post of Laboratory Attendant. The petitioner further submits that the respondent No. 9, who was selected for the post of Laboratory Attendant in pursuance to the selection process, was a relative of the Director of Employment and Craftsmen Training, Guwahati and as such the said authority had influenced the selection committee to incorporate the name of the respondent No. 9 in the select list.

6. It is to be noted that in the writ petition there is no allegation with regard to the recruitment process as undertaken for the post of Peon/Chowkidar cum Peon and no candidate as selected for the post of Peon/Chowkidar cum Peon has been arrayed as respondent in the present proceedings.

7. The respondent authorities have filed an affidavit in the matter denying the allegations as levelled by the petitioner with regard to the candidates selected for the posts of Laboratory Attendant, i.e. respondent No. 8 and 9 herein. It is contended in the affidavit that the documents, as submitted by the respondent No. 8, were authenticated by production of the original certificates and from the original certificates it was found that the respondent No. 8 had studied up to Class VIII in the school in question. It is contended that the certificate, as produced by the respondent No. 8 with regard to her educational qualifications, does not reveal the same to be forged one.

8. With regard to the allegation of the respondents No. 8 and 9 being the relatives

of the Controller of Legal Metrology, Assam, and the Director of Employment and Craftsmen Training, Guwahati, respectively, and the selection committee being influenced by the said authorities, it is contended by the respondents that strictly on the ground that the said respondents had given their address for communication as the Office of the Controller of Legal Metrology, Assam, and the Director of Employment and Craftsmen Training, Rehabari, Guwahati, it cannot be presumed that the said two candidates were relatives of the said authorities. It is further contended that the selection committee was not presented with any material to show that the said two candidates were relatives of the said authorities and the selection of candidates for the posts of Laboratory Attendant was made strictly in accordance with the merit assessed of the candidates appearing in the selection process so held.

9. I have considered the submissions advanced by the learned counsel appearing for the parties and have perused the material available on record.

10. The rival stands as brought on record reveal that the petitioner, on being furnished with the educational qualification certificate of the respondent No. 8, has not disputed the same by bringing on record cogent material to substantiate his contention that the said respondent had not studied in the school in question and that the said certificate was issued to her fraudulently. Further, with regard to the petitioner's allegation that the respondents No. 8 and 9 were relatives of Controller of Legal Metrology, Assam, and the Director of Employment and Craftsmen Training, Guwahati, respectively, and that the said authorities had influenced the selection committee to select the said respondents, no material has been brought on record by the petitioner to substantiate his claim that the respondents No. 8 and 9 were selected only on the ground of their close relationship with the said authorities. The manner in which the present writ petition has been structured reveals that the petitioner has instituted the present proceedings on vague contentions and requires this Court to carry out a roving enquiry into the matter. Such a course of action is not permissible in a proceeding under Article 226 of the Constitution of India. In absence of any cogent

material being brought on record by the petitioner to substantiate any illegality and/or irregularity in the recruitment process undertaken for the posts of Laboratory Attendant as well as that for the posts of Peon/Chowkidar cum Peon, this Court would not proceed to carry out any roving enquiry into the matter to ascertain the contentions as raised by the petitioner in the present proceedings.

11. In view of the above conclusion, this Court is of the opinion that recruitment process, as carried out by the respondents for filling up the posts of Laboratory Attendant as well as the posts of Peon/Chowkidar cum Peon does not call for any interference and the writ petition is held to be devoid of any merit. Resultantly, the impugned select list prepared in pursuance to the selection process is also not interfered with.

12. Accordingly, the writ petition stands dismissed. However, there would be no order as to costs.

JUDGE

Comparing Assistant