

GAHC010006732015



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

Case No. : WP(C)/20/2015

SIVA PRASAD BORA and 16 ORS
S/O HIREN CHANDRA BORA R/O VILL- NANOI, PANIGAON, P.O. NANOI, P.S.
SADAR DIST. NAGAON, ASSAM.

VERSUS

THE STATE OF ASSAM AND 7 ORS
THROUGH THE COMMISSIONER AND SECRETARY TO THE GOVT. OF
ASSAM, HOME DEPARTMENT, DISPUR, GUWAHATI-6.

Advocate for the Petitioner : MS.L HAZARIKA

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

16.07.2024.

Heard Ms. A Bora, learned counsel for the petitioners. Also heard Shri D Bora, learned State Counsel, Assam appearing for all the respondents.

2. The petitioners, who are 17 in numbers, have approached this Court by filing this petition under Article 226 of the Constitution of India with the following prayers:

i) Directing the respondent authorities to recast the select list for Nagaon, Morigaon and Nalbari districts.

ii) Select the petitioners and enroll them as Home Guards and send them for training with immediate effect.

3. As per the facts projected, a recruitment drive was taken in the year 2014 for enrollment of 1600 Home Guards volunteers for imparting 42 days of Home Guards Rural Basic Training. The petitioners, who had participated in the aforesaid selection, are from the districts of Nagaon and Nalbari. It is contended that while for the district of Nagaon, the selection was held on 21.10.2024 and 22.10.2024, for the district of Nalbari, the selection was held on 17.10.2024. It is submitted that the select list was published hurriedly and in a hush-hush manner. For the district of Nagaon, such select list was published on 31.10.2024 selecting 166 candidates and for the district of Nalbari, it was published on 03.11.2014 selecting 226 candidates.

4. Ms. Bora, learned counsel for the petitioners has submitted that many selected candidates did not even participate in the selection process. In this connection, the learned counsel has drawn the attention of this Court to the averments made in paragraph 10 of the writ petition which reads as follows:

10) That the petitioners state that, they have come to learn that, many persons who did not appeared in the selection process were selected. The petitioners could collect only names of two such persons i.e. Sarif Ahmed (serial No. 52) and Abdul Hamid (Serial No. 121) from Nagaon District.

5. The learned counsel for the petitioners submits that under the aforesaid context,

the relief has been prayed for recasting the select list.

6. Shri D Bora, learned State Counsel, Assam, on the other hand has submitted that the writ petition itself is not maintainable inasmuch as none of the selected candidates have been made party whereas the prayer is for recasting the select list. It is submitted by the learned State Counsel that the allegations are absolutely vague and even though two persons have been named in paragraph 10, they have not been made party respondents in this proceeding. He submits that even on merits, the writ petition is not even liable to be entertained inasmuch as the advertisement itself had clearly mentioned that the enrollment was only for 42 days of training which is long over.

7. The rival submissions have been considered.

8. It appears from the recruitment notice that the recruitment was for 1600 Home Guards volunteers to undergo 42 days Home Guards Rural Basic Training only. Apart from the fact that the allegations are vague and not substantiated by any materials on record, the selected candidates have not been made party respondents. Even the two candidates, who have been named in paragraph 10 with a specific allegation that they did not participate in the selection process, have not been made parties. Any attempt to consider the case of the petitioners without giving the selected candidates an opportunity of hearing would be against the principles of natural justice. In any case, the recruitment being for undergoing training for 42 days, no effective relief can otherwise be granted to the petitioners.

9. In view of the above, the writ petition is accordingly dismissed.

JUDGE

Comparing Assistant