

GAHC010048742024



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

Case No. : WP(C)/1416/2024

SHUBOM GOALA
S/O SRI SANTOSH GOALA, VILLAGE- DUGRU BASTI, P.O- PALONGHAT, P.S-
DHOLAI, DISTRICT- CACHAR, ASSAM, PIN - 788116.

VERSUS

THE UNION OF INDIA AND 9 ORS
REPRESENTED BY THE SECRETARY , HOME MINISTRY OF HOME AFFAIRS,
NEW DELHI- 110001.

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

3:THE UNDER SECRETARY
STAFF SELECTION COMMISSION
BLOCK NO.12
CGO COMPLEX
LODHI ROAD
NEAR JLN STADIUM
NEW DELHI- 110091.

4:THE REGIONAL DIRECTOR
STAFF SELECTION COMMISSION
NORTH EASTERN REGION
HOUSEFED COMPLEX
WEST END BLOCK
BASISTHA ROAD
P.O- ASSAM SACHIVALAYA
GUWAHATI- 781006.

5:THE DIRECTOR GENERAL
BSF
BLOCK NO. 10
CGO COMPLEX
LODHI ROAD
NEW DELHI- 110003.

6:THE DIRECTOR GENERAL
SAHASTRA SENA BAL
5-6
VIVEKANAND MARG EAST BLOCK
R.K PURAM
NEW DELHI- 1100022

7:THE DIRECTOR GENERAL
CENTRAL RESERVE POLICE FORCE
CGO COMPLEX
LODHI ROAD
NEW DELHI- 110003.

8:THE DIRECTOR GENERAL
INDO TIBETAN BORDER POLICE
BLOCK NO.IV
CGO COMPLEX
LODHI ROAD
NEW DELHI- 110003.

9:THE DIRECTOR GENERAL
CENTRAL INDUSTRIAL SECURITY FORCE
BLOCK NO. 13
CGO COMPLEX
LODH ROAD
NEW DELHI - 110003

10:THE DIRECTOR GENERAL
ASSAM RIFLES
NONGRIMMAW
LAITUMUKHRAH
GORALINE
SHILLONG- 793003

Advocate for the Petitioner : MR. S CHAUHAN

Advocate for the Respondent : D.Y.S.G.I.

BEFORE
HON'BLE MR. JUSTICE LANUSUNKUM JAMIR
O R D E R

13.03.2024

Heard Mr. S. Chauhan, learned counsel for the petitioner. Also heard Mr. K.K. Parashar, 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 the 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. Mr. K.K. Parashar, 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. He 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