

GAHC010056372024



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

**Case No. : Review.Pet./51/2024**

UNION OF INDIA AND ORS  
REPRESENTED BY THE DIRECTOR GENERAL OF SECURITY (CABINET  
SECRETARIAT) AVIATION RESEARCH CENTRE, EAST BLOCK V, R.K  
PURAM, NEW DELHI 110066

2: THE JOINT ( ADMINISTRATION )  
AVIATION RESEARCH CENTRE  
EAST BLOCK V  
R.K PURAM  
NEW DELHI 110066

3: DEPUTY DIRECTOR (PERSONAL )  
AVIATION RESEARCH CENTRE  
EAST BLOCK V  
R.K PURAM  
NEW DELHI 11006

VERSUS

RAJA PRASHAD  
C/O KEDAR PRASHAD  
R/O UCHAMATI, DOOM DOOMA, PO AND PS DOOM DOOMA, DIST.  
TINSUKIA, ASSAM, 786151

**Advocate for the Petitioner : MR. G PEGU,**

**Advocate for the Respondent : MS A ROY, MR. S SAHU**

**BEFORE  
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

**ORDER**

**30.09.2024**

Heard Mr. G. Pegu, learned CGC for the review petitioners. Also heard Mr. S Sahoo, learned counsel for the opposite party.

2] This review petition is directed against the order dated 01.09.2023 passed in WP(C) No.2097/2017. The said writ petition was filed by the petitioner/opposite party herein putting to challenge the order dated 04.05.2016 passed by the Joint Director, Administration of Aviation Research Centre, East Block- V, R.K. Puram, New Delhi, whereby his candidature for Fireman in the Aviation Research Centre, Doom Dooma in Tinsukia district was rejected on the ground that the Driving License produced by him was found to be fake. Pursuant to the issuance of Notice in the said writ petition, the respondents appeared and on 25.02.2022 an affidavit was filed by the District Transport Officer, Zunheboto District, Government of Nagaland making an averment that the Driving License of the petitioner was found to be genuine. The Driving License was issued by the Government of Nagaland, Department of Transport District Zunheboto. The Union of Indian, namely, the present review petitioner

no.1 did not file any counter affidavit. On the day when the matter was taken up, the counsel for the Union of India was also not present. Taking into consideration the submissions made before the Court and the pleadings filed by the parties, the writ petition was disposed of vide order dated 01.09.2023 by the following directions:

*“7. Having perused the pleadings available on record and upon hearing the learned counsels for the parties, it is seen that the candidature of the petitioner was rejected on the basis that the Driving License furnished by him was found to be fake upon enquiries made. No other ground has been cited for rejection of the candidature of the petitioner. There is no reference that pursuant to the Driving License of the petitioner being found fake, whether any FIR/complaint before the police was lodged. Since there is no rebuttal on behalf of the respondent Union of India as regards the averments made in the affidavit filed on 25.02.2022, by the District Transport Officer, Zunheboto District, it will have to be accepted that the Driving License of the petitioner was issued by the District Transport Officer, Zunheboto District as per the provision of law. Moreover, in the absence of any such specific rebuttal by the respondent Union of India, the impugned order dated 04.05.2016, cannot be sustained and the same is therefore, set aside.*

*8. Because of the reasons as discussed above, the communication dated 29.12.2016 is also interfered with. Accordingly, the respondent authorities namely, the respondent Nos.1, 2 and 3 will proceed to consider the case of the petitioner, in terms of the application filed for being appointed to the post of Fireman. If vacant posts are available, then the petitioner shall be considered for being appointed against one such vacant post. In the event no vacant posts are available at present, then the petitioner’s case will be considered against any vacant post of Fireman that may arise within a period of one year from the date of this order and necessary order(s) thereto will be passed by the competent authorities, giving due consideration to the credentials available and as may be produced by the petitioner.*

*9. The writ petition is accordingly stands allowed in terms of above directions. No order as to cost.”*

3] The present review petition has been filed by the review

petitioners/respondents seeking review and recall the order dated 01.09.2023 passed in WP(C) No.2097/2017 on the ground that there were materials available with them to show that the Driving License of the petitioner was false. However, because of change of counsel at the relevant point in time, the Union of India could not be represented adequately by filing necessary counter affidavit. Further, learned CGC for the review petitioners has referred to a communication dated 27.01.2015 enclosed to the review petition, which is a communication issued by the Public Information Officer, DTO Office, Zunheboto, Nagaland addressed to the Assistant Director (Pers-C), Aviation Research Center, Directorate General of Security to show that the DTO Office, Zunheboto, Nagaland has now informed the review petitioners that there is no office record of issuance of the license to DL No.62039/TV/NZ/2010. Accordingly, the DTO Office, Zunheboto, Nagaland has informed that the license be treated as false. Under such circumstances, this review petition has been filed.

4] Mr. S. Sahoo, learned counsel for the opposite party/writ petitioner submits that there is no ground for review of the order dated 01.09.2023 passed in WP(C) No.2097/2017. It is submitted that by order dated 01.09.2023 passed in WP(C) No.2097/2017 the review petitioners were directed to consider the case of the opposite party/ petitioner and pass appropriate orders. However, the same has not yet been considered by the review petitioners/respondents.

He disputes the submissions made by the learned CGC for the review petitioners that the Driving License obtained by the opposite party/petitioner from the Government of Nagaland, Department of Transport District Zunheboto is found to be fake. He refers to the averments made in affidavit filed by the District Transport Officer of Zunheboto district, Government of Nagaland, which was filed in the writ petition and submits that the stand of the District Transport Officer of Zunheboto district, Government of Nagaland is very clear and not disputed at the time of hearing of the writ petition for which this Court had passed the order dated 01.09.2023 in the said writ petition. It is submitted that under such circumstance, there is no ground to review and recall the order dated 01.09.2023 passed in WP(C) No.2097/2017. He further submits that no error apparent on the face of the records as has been pointed out by the learned CGC for the review petitioners which merits review of the order dated 01.09.2023 passed in WP(C) No.2097/2017..

6] Having heard that the learned counsel for the parties and upon perusal of the records and the review petition along with the enclosures, more particularly, the communication dated 27.01.2015 issued by the Public Information Officer, DTO Office, Zunheboto, Nagaland as well as the order dated 01.09.2023 passed in WP(C) No.2097/2017, which is presently sought to be reviewed, it is observed that the writ petition was disposed of with a specific direction to the respondent

authorities to consider the case of the petitioner in terms of the application filed for being appointed to the post of Fireman. It was directed that if vacant posts are available, then the petitioner will be considered for being appointed against one such post. In the event no vacant posts are available, then the petitioner's case will be considered against any vacant post of Firemen that may arise within a period of one year from the date of this order and therefore, necessary order(s) will be passed by the competent authorities, for giving due consideration to the "Credentials Available" as may be produced by the petitioner.

7] From a perusal of the order dated 01.09.2023 passed in WP(C) No.2097/2017, it is clear that there is no specific direction to the respondents/review petitioners herein to appoint the petitioner against any vacant post. The direction was to consider the case of the petitioner against any vacant post(s) available or in the event there being no vacant posts available, to consider the petitioner against any vacant post(s) that may arise within a period of one year from the date of the order and thereafter to pass necessary orders giving due consideration to the credentials available and as may be produced by the petitioner. During the hearing of the writ petition, the affidavit dated 25.02.2022 filed by the District Transport Officer, Zunheboto was taken into consideration, more particularly, the averments made in paragraph-4 of the said

affidavit. By the said affidavit it was stated that upon enquiry made, the Driving License issued in favour of the petitioner was found to be genuine. The present communication dated 27.01.2015, which has been brought to the notice of this Court now by filing this review petition, was apparently issued prior to the affidavit filed.

8] Under such circumstances, this Court does not find any error apparent on the face of the record which requires recalling of the order dated 01.09.2023 passed in WP(C) No.2097/2017. There is a clear direction in the order dated 01.09.2023 passed in WP(C) No.2097/2017 to only consider the case of the writ petitioner against any vacant posts of Fireman that may arise but after giving due consideration to the "Credentials Available" and produced by the petitioner. It is needless to mention that the review petitioners, as the employers, are within their rights to make all enquiries necessary to verify into the authenticity of the documents/credentials produced by the petitioner. If any of these documents are not found to be credible or authentic, then the direction issued in WP(C) No.2097/2017 on 01.09.2023 cannot be construed to mean that the authorities will have to proceed to appoint the petitioner against any post in terms of the said directions.

9] In view of the above, there being no ground found to review and recall,

the order dated 01.09.2023 passed in WP(C) No.2097/2017, this review petition, therefore, stands dismissed.

**JUDGE**

**Comparing Assistant**