

GAHC010042292026



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

**Case No. : WP(C)/1273/2026**

DR SANJOY KUMAR HAZARIKA  
S/O- LATE AKONMAN HAZARIKA R/O- DERGAON KAMAARGAON, P.O.  
AND P.S.- DERGAON, DIST.- GOLAGHAT, ASSAM, PIN CODE- 785614

VERSUS

THE STATE OF ASSAM AND 5 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE  
GOVERNMENT OF ASSAM, FINANCE (ESTABLISHMENT-B) DEPARTMENT,  
DISPUR, GUWAHATI-06.

2:THE SECRETARY TO THE GOVERNMENT OF ASSAM  
FINANCE (ESTABLISHMENT-B) DEPARTMENT  
DISPUR  
GUWAHATI-06.

3:THE ADDITIONAL CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM  
FINANCE (ESTABLISHMENT-B) DEPARTMENT  
DISPUR  
GUWAHATI - 06.

4:THE DEPUTY SECRETARY TO THE GOVERNMENT OF ASSAM  
FINANCE (ESTABLISHMENT-B) DEPARTMENT  
DISPUR  
GUWAHATI-06.

5:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF  
ASSAM  
FINANCE (PERSONNEL-B) DEPARTMENT  
DISPUR  
GUWAHATI-06.

6:ASSAM PUBLIC SERVICE COMMISSION  
JAWAHAR NAGAR  
KHANAPARA GUWAHATI- 781022  
ASSAM

**Advocate for the Petitioner** : MR B M DEKA, MR D MEDHI,MS. D BORA

**Advocate for the Respondent** : GA, ASSAM, SC, APSC,SC, FINANCE DEPTT.

**BEFORE**  
**HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

**ORDER**

**01.04.2026**

Heard Mr. B.M. Deka, learned counsel for the petitioner. Also heard Mr. T.J. Mahanta, learned senior counsel assisted by Ms. P Sarma, learned counsel for the APSC.

**2.** The petitioner before the Court is desirous of appearing in the Departmental Promotional Examination for the post of Finance and Accounts Officer which is open to members belonging to the cadre of Assam Accounts Service, Assam Local Fund Audit Service and Assam Treasury (Estt) Service Personnel. The petitioner is presently serving as Accounts Officer in the cadre of Assam Accounts Service. If the petitioner successfully completes the examination scheduled to be conducted, then he will be considered for further promotion to the next higher post. This examination is conducted by the APSC.

**3.** The petitioner however, does not fulfill the age criteria, as in terms of the advertisement, he should not have crossed the age of 50 years as on 01.01.2025. It is the submission of the petitioner that as on 01.01.2025, the petitioner was 52 years 11 months and 17 days. Since he had crossed the upper age limit, he filed an application seeking condonation of the upper age limit. The prayer stood rejected considering the endorsement dated 03.02.2026 in eCF No.

536173 of the Personnel (B) Department views. In other words, the prayer for condonation of upper age limit stood limited and thereby debarring the petitioner from appearing in the said examination.

**4.** It is submitted that the process for promotion to the next higher post is Finance and Accounts Officer is prescribed under the Rules. Under Rule 12, 50% of the strength on the cadre of Junior Grade-II shall be filled up by promoting through Departmental Promotion Examination held by the Commission at such intervals. The petitioner being eligible had applied for that but in view of the age bar, the prayer of the writ petitioner stood rejected.

**5.** The learned Standing Counsel, APSC submits that they are only responsible for holding the examination and therefore, relaxation is not upto to the APSC.

**6.** The State respondents on the other hand submits that earlier the petitioner was considered for relation of his age limit. However, he could not clear the examination and therefore his prayer for relaxation at this stage was rejected.

**7.** Having considered the submissions made by the learned counsel for the parties, this Court upon examination of the Rules finds that at Rule 27, there is a provision that if the Government is satisfied that the option of any of these Rules are causing undue hardship in any particular case, it may dispense with or relax the requirement of that rule to such extent and subject to such conditions, as it may consider necessary dealing with the case in a just and equitable manner and the case of any person shall not be dealt with in any manner less favourable to him than provided in these rules.

**8.** It is the submission of the learned counsel petitioner that he satisfies all the other requirements and this averment is not disputed by the respondents as

on date. The only hardship faced by the petitioner is the age bar.

**9.** It is also not disputed that this departmental examinations are not held every year. The last examination that was held was in 2024. Therefore, in the fitness of things, this Court is of the view that pending disposal of the writ petition, the petitioner is permitted to submit his application for the ensuing departmental examination proposed to be held by the APSC vide the Advertisement No. 35/2025, dated 29.12.2025. If the petitioner satisfies all the other requirements then he should be permitted to sit in the examination as and when it is conducted by the APSC. The petitioner will file his application within three working days. If the examination is conducted during the pendency of the writ petition, the petitioner shall not be debarred from appearing such an examination. However, the results in respect of the writ petitioner shall not be declared without leave of the Court.

**10.** Matter be listed again on 06.05.2026.

**JUDGE**

**Comparing Assistant**