

GAHC010034922022



2026:GAU-AS:6377

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

**Case No. : WP(C)/1380/2026**

PRASHANK KUMAR  
S/O SRI KRISHNA GOPAL PAL  
R/O 618 NEW ASHOK NAGAR GOOBA GARDEN  
KALYANPUR  
KANPUR NAGAR  
NEAR SUKHDATA HOSPITAL  
UTTAR PRADESH  
PIN- 208017

VERSUS

THE INDIAN OIL CORPORATION LTD AND 6 ORS  
REPRESENTED BY THE CHAIRMAN  
3079/3 JB TITO MARG  
SADIQ NAGAR NEW DELHI 110049

2:THE DIRECTOR  
REFINERY DIVISION  
INDIAN OIL CORPORATION LTD REFINERIES DIVISION  
SCOPE COMPLEX  
CORE-2  
7 INSTITUTIONAL AREA  
LODHI ROAD NEW DELHI 110003

3:THE DEPUTY GENERAL MANAGER  
INDIAN OIL CORPORATION LTD  
HUMAN RESOURCES  
REFINERIES DIVISION  
GUWAHATI REFINERY  
NOONMATI  
GUWAHATI- 781020

4:THE CHIEF VIGILANCE OFFICER  
INDIAN OIL CORPORATION LTD  
SCOPE COMPLEX  
CORE-2 7  
INSTITUTIONAL AREA LODHI ROAD NEW DELHI- 110003

5:SRI PRANAB PATHAK  
S/O SRI DANDI RAM PATHAK  
R/O NO.2 DILIMGA  
SINGRA  
BOKO  
ASSAM. PIN-781135

6:JINTU DEKA  
JUNIOR ENGINEERING ASSISTANT- IV (P AND U- BOILER)  
GUWAHATI REFINERY P AND U DEPARTMENT

7:MRINAL DEKA  
JUNIOR ENGINEERING ASSISTANT 0 IV (P AND U- BOILER)  
GUWAHATI REFINERY P AND U DEPARTMENT

-----  
Advocate for : MR. R M DEKA  
Advocate for : MR. B D DEKA(R5) appearing for THE INDIAN OIL  
CORPORATION LTD AND 6 ORS

**BEFORE  
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR**

**JUDGMENT & ORDER (ORAL)**

**07.05.2026**

Heard Mr. R.M. Deka, learned counsel appearing for the petitioner. Also heard Mr. I. Choudhury, learned Senior Counsel, assisted by Ms. T. Singh, learned Standing Counsel, appearing for the IOCL, Mr. M.K. Sharma, learned counsel appearing for the respondent Nos. 6 & 7 and Mr. A. Deka, learned counsel appearing for the respondent No. 5.

**2.** The grievance raised in this writ petition is with regard to the rejection of the candidature of the petitioner by not granting him the relaxation of an additional one year to which the petitioner claims to be entitled to, on the basis of the Boiler Apprenticeship Certificate available with him, over and above the relaxation granted to the petitioner, on the ground of him belonging to an OBC (non-creamy layer) category.

**3.** The petitioner had obtained his Bachelor of Science degree in the year 2015 and had thereafter completed his 24 months Apprenticeship Training as a Trade Apprentice (Boiler Attendant) under the Apprenticeship Act at the Indian Oil Corporation Limited, from 20.06.2017 to 19.06.2019. The petitioner also had a valid certificate at the relevant point of time declaring him to belong to a community which was recognized as a backward class under the relevant notifications of the Government of India, and it was also certified that he did not belong to the creamy layer persons/sections as mentioned in column three of the relevant notification of the DOPT OM dated 08.09.1993 or the subsequent notifications.

**4.** The learned counsel for the petitioner has submitted that the facts of the case are similar to the facts of WP(C) No. 1373/2022 and therefore, the petitioner would be entitled to a similar relief.

**5.** Mr. I. Choudhury, learned Senior Counsel for the respondent Nos. 1 to 4, has submitted that the respondent No. 5 has already been terminated from services and such termination is under challenge in a separate writ petition, which is pending adjudication before this Court.

**6.** The learned Senior Counsel has submitted that, as per the provisions of

Clause J (13), the petitioner, who had availed the concession of age being an OBC (NCL) candidate, could be considered only against the post reserved for such candidates, irrespective of his position in the select list. The learned senior counsel has submitted that, therefore, the prayer of the petitioner to be considered against the posts to which the respondent Nos. 6 & 7 had been appointed does not deserve to be entertained by this Court, since the respondent Nos. 6 & 7 are candidates belonging to the unreserved category and have been appointed in that capacity.

**7.** The learned counsel for the respondent have also drawn the attention of this Court to Clause E (2) of the advertisement, according to which the SC/ST/OBC candidates can be considered under the general standard of merit against unreserved posts, provided they did not avail the relaxation in age qualification, etc.

**8.** The Apex Court in ***Deepa E.V. vs Union of India***, reported in **(2017) 12 SCC 680**, has held as follows:

*“7. On a combined reading of Rule 9 of the Export Inspection Agency (Recruitment) Rules, 1980 and also the proceedings dated 1.7.1998, we find that there is an express bar for the candidates belonging to SC/ST/OBC who have availed relaxation for being considered for General Category candidates.*

*8. Learned counsel for the appellant mainly relied upon the judgment of this Court in Jitendra Kumar Singh and Another v. State of Uttar Pradesh and Others, reported in (2010) 3 SCC 119, which deals with the U.P. Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994 and Government order dated 25.3.1994. On a perusal of the above judgment, we find that there is no express bar in the said U.P. Act for the*

*candidates of SC/ST/OBC being considered for the posts under General Category. In such facts and circumstances of the said case, this Court has taken the view that the relaxation granted to the reserved category candidates will operate as a level playing field. In the light of the express bar provided under the proceedings dated 1.7.1998 the principle laid down in Jitendra Kumar Singh (supra) cannot be applied to the case in hand.*

*11. Be it noted, in the instant case, the appellant has not challenged the constitutional validity of the proceedings dated 1.7.1998 read with Rule 9 of the Export Inspection Agency (Recruitment) Rules, 1980. On a perusal of the prayer made in the writ petition we find that the appellant has only sought for a declaration that Exhibit P5 (proceedings dated 1.7.1998) is not binding on the appellant. No argument was canvassed challenging the constitutional validity of the proceedings before the learned Single Judge or before the Division Bench of the High Court.”*

**9.** In the present case, it is the admitted position of the petitioner that the petitioner requires to avail the relaxation in age, both as an OBC (NCL) category candidate and as a candidate who has undergone an apprenticeship, and in such circumstances, this Court is in agreement with the submissions of the learned Senior Counsel for the IOCL that the services of respondents Nos. 6 and 7 cannot be interfered with by this Court on the grounds put forth by the petitioner, since he cannot be considered against the vacancies for the unreserved category in view of the express bar in the conditions of the advertisement itself. Such conditions are not in challenge before this Court. Accordingly, the prayer of the petitioners for interfering with the appointment of respondents Nos. 6 and 7 is rejected.

**10.** In so far as the prayer for interference with the appointment of

respondent No. 5 is concerned, this Court has noticed that respondent No. 5 stands terminated from service by certain orders passed by the respondent authorities themselves, and therefore, in the present case, no directions are required with regard to either the appointment of or the termination of services of the respondent No. 5. This Court makes it clear that the merit of the termination of respondent No. 5 is not an issue in this case and therefore, is not being commented upon.

**11.** The contention of the learned counsel for the petitioner that the petitioner is similarly situated as was the petitioner in WP(C) No. 1373/2022 has been supported by the learned Senior Counsel appearing for the IOCL and therefore, this Court declares that the relief granted to the petitioner in WP(C) No. 1373/2022 is also required to be made applicable to the petitioner in this writ petition. In WP(C) No. 1373/2022, the petitioner therein had been granted the following relief:-

*“30. In the circumstances of the case, it is held that the candidature of the petitioner had been erroneously rejected by the respondent authorities due to certain discrepancies and irregularities as admitted by them, thus denying him participation in the stages after the written examination of the recruitment process. The respondent authorities are therefore directed to consider the candidature of the petitioner for the skill/proficiency/physical test of the recruitment process for the post of Junior Engineering Assistant-IV (P & U)(Post Code 202) in accordance with his merit after granting the relaxation of one more year to the petitioner in accordance with clause G (10) of the advertisement. In the event he successfully qualifies the SPPT, he shall be further considered for appointment on the basis of his merit in the selection process. The respondents shall endeavour to bring the selection and*

*appointment process to its logical conclusion at the earliest, but in any case, within a period of three months from the date of receipt of a certified copy of this order.”*

**12.** Accordingly, the petitioner in this writ petition shall also be granted the relaxation of one year over and above the relaxation granted on the basis of his candidature being considered in the OBC (NCL) category and the respondent authorities would consider the candidature of the petitioner for the skill/proficiency/physical test for the post of Junior Engineering Assistant -IV (P & U) (Post Code 202) in accordance with his merit. In the event he successfully qualifies the SPPT, he shall be further considered for appointment on the basis of his merit in the selection process. This Court has already fixed the time limit for bringing the selection and appointment process to its logical conclusion in the orders passed in WP(C) No. 1373/2022 and the same time limit shall be adhered to in this case also.

**13.** It is made clear that observations made in this order will not affect the adjudication of the writ petition filed by the respondent No. 5 assailing his termination.

**14.** Writ petition accordingly stands disposed of. No order as to costs.

**JUDGE**

**Comparing Assistant**