

GAHC010120732022



undefined

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

Case No. : WP(C)/4189/2022

RAJESH KUMAR DAS
S/O ASHUTOSH DAS, R/O VILL. AMBAGAN, P.O. KHALIPUR, DIST. DHUBRI,
ASSAM-783325

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPTT. DISPUR, GUWAHATI-6

2:THE COMMISSIONER AND SECRETARY
PANCHAYAT AND RURAL DEVELOPMENT DEPTT. DISPUR GUWAHATI-6

3:THE ASSAM PUBLIC SERVICE COMMISSION
REP. BY ITS CHAIRMAN
JAWAHARNAGAR
KHANAPARA
GUWAHATI
ASSAM-781022

4:THE UNDER SECRETARY
ASSAM PUBLIC SERVICE COMMISSION
JAWAHARNAGAR
KHANAPARA
GUWAHATI-781022

5:THE PRINCIPAL CONTROLLER OF EXAMINATION
ASSAM PUBLIC SERVICE COMMISSION
JAWAHARNAGAR
KHANAPARA
GUWAHATI-781022

6:SUMAN DAS
S/O LT. PURAN CHANDRA DAS
R/O VILL. RAHA
WARD NO.3
P.O AND P.S- RAHA
DIST- NAGAON
ASSAM
PIN-78210

Advocate for the Petitioner : MR K K MAHANTA (Sr. Advocate), MR. K SINGHA,MR. K M MAHANTA,MS N BEGUM,MR S GAUTAM,M R Sharma

Advocate for the Respondent : SC, P AND R.D., MR D NATH, SR. GA, ASSAM,MR. A BORO (R-6),MS D MAHANTA (R-6),MR. M P SARMA (R-6),MR. U K NAIR, SR. ADV. (R-6),SC, APSC

Linked Case : I.A.(Civil)/798/2023

SUMAN DAS
S/O LATE PURAN CHANDRA DAS
R/O VILLAGE RAHA
WARD NO. 3
P.O. AND P.S. RAHA
DISTRICT NAGAON
ASSAM
PIN 782103.

VERSUS

RAJESH KUMAR DAS AND 5 ORS.
S/O ASHUTOSH DAS
R/O VILL. AMBAGAN
P.O. KHALIPUR
DIST. DHUBRI
ASSAM-783325

2:THE STATE OF ASSAM

REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM PANCHAYAT
AND RURAL DEVELOPMENT DEPTT. DISPUR
GUWAHATI-6

3:THE COMMISSIONER AND SECRETARY

PANCHAYAT AND RURAL DEVELOPMENT DEPTT. DISPUR GUWAHATYI-6

4:THE ASSAM PUBLIC SERVICE COMMISSION

REP. BY ITS CHAIRMAN
JAWAHAR NAGAR
KHANAPARA
GUWAHATI
ASSAM-781022

5:THE UNDER SECRETARY

ASSAM PUBLIC SERVICE COMMISSION
JAWAHARNAGAR
KHANAPARA
GUWAHATI-781022

6:THE PRINCIPAL CONTROLLER OF EXAMINATION

ASSAM PUBLIC SERVICE COMMISSION
JAWAHARNAGAR
KHANAPARA
GUWAHATI-781022

Advocate for : MR. U K NAIR
Advocate for : MR K K MAHANTA (Sr. Advocate) appearing for RAJESH KUMAR
DAS AND 5 ORS.

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

25.11.2025

Heard Mr. K Singha, learned counsel for the petitioner. Also heard Mr. P Nayak, learned Additional Advocate General, Assam and Mr. MP Sarma, learned counsel for the respondent no.6.

The petitioner before this Court is aggrieved by his non-selection to the post

of Junior Engineer (Civil) in the Panchayat and Rural Development Department. The petitioner claims to belong to SC category and according to the petitioner, he has been wrongly not included in the select list as the Department has included more candidates than the permissible limit under the persons with disability quota within the SC category. It is a claim of the petitioner that instead of 1 SC (PWD) category, they have appointed 2 SC (PWD) category.

It is the submission of the learned counsel for the petitioner that if 1 SC (PWD) category candidate selection is interfered with, then the Petitioner would be included in the select list for the SC category. During the pendency of the matter, an interim order dated 24-06-2022 was passed by the Coordinate Bench of this Court. This interim order still subsists. In terms of said interim order, one post each in SC category simpliciter, SC Persons with Disabilities and SC Women were directed to be not filled up. Subsequently, the interim order was modified by order dated 05-01-2023 passed in IA (Civil) No.3221/2022, whereby the SC women post was permitted to be filled up by the selected woman candidate. It is the submission of the learned counsel for the parties at the Bar that the SC woman candidate had since joined in the same post, however, the interim order still subsists in respect of keeping one post each vacant in the SC category simpliciter and SC Persons with Disabilities.

The applicant in IA(Civil) no. 798 of 2023 claims to be the selected person

under the SC Persons with Disability quota. However, in view of this interim orders passed by the Court, he has not been able to be appointed by the respondents, notwithstanding, that he is a selected candidate. Subsequently, the Court had also granted liberty to the learned respondent counsel to apprise the Court regarding the posts which were although advertised on 24.06.2020, however, not filled up to the extent of 24 numbers of posts and as to whether Government has taken up a decision to fill up 24 posts under the recruitment which is under consideration in the present proceeding or steps would be initiated for a fresh recruitment.

Mr. P Nayak, learned Additional Advocate General, Assam submits that instructions are still awaited as the matter is presently before the Judicial Department for an opinion.

During the course of hearing, it is also appeared to the Court that the applicant who has filed IA (Civil) No. 798 of 2023 is the person who has been selected for appointment in SC Person with Disability Category. However, although there is an interim order to keep one post vacant in SC category simpliciter, no affected person is yet to be selected.

Under such circumstances, this Court is of the view that perhaps the selected person may have either already joined in the same post or have opted for some other service. These instructions, however, are not available with the

Government Counsel as of date. The learned Additional Advocate General, Assam, is, therefore, permitted to complete his instructions with regard to the candidate who was selected for the post of SC category simpliciter which has been directed to be kept vacant, vide the interim order dated 24-06-2022.

Let these instructions be placed before the Court on 09.12.2025.

List the matter for further hearing on 09.12.2025.

JUDGE

Comparing Assistant