

GAHC010162642022



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

Case No. : WP(C)/5335/2022

KISHORE SAIKIA
S/O- SRI HEMANTA SAIKIA,
DHEMAJI TOWN, WARD NO. 3, RAILWAY STATION ROAD,
P.O.- DHEMAJI,
PINCODE- 787057,
DISTRICT- DHEMAJI,
ASSAM.

VERSUS

ASSAM PUBLIC SERVICE COMMISSION AND 7 ORS.
REPRESENTED BY ITS CHAIRMAN, JAWAHAR NAGAR, GUWAHATI-
781022.

2:SECRETARY
ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPARA- 781022.

3:THE PRINCIPAL CONTROLLER OF EXAMINATION
ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPARA
GUWAHATI- 781022.

4:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY
DEPARTMENT OF PERSONNEL-A
DISPUR
GUWAHATI- 781006.

5:LABOUR COMMISSIONER
OFFICE OF THE LABOUR COMMISSIONER

ASSAM
GOPINATH NAGAR
GUWAHATI-16.

6:COMMISSIONER AND SECRETARY TO THE FINANCE DEPARTMENT
GOVERNMENT OF ASSAM
DISPUR- 781006.

7:UTTAM PEGU
LABOUR INSPECTOR
THROUGH THE LABOUR COMMISSIONER
ASSAM
GOPINATH NAGAR
GUWAHATI- 16.

8:NIRAB KUMAR DEURI
LABOUR INSPECTOR
THROUGH THE LABOUR COMMISSIONER
ASSAM
GOPINATH NAGAR
GUWAHATI- 16

Advocate for the Petitioner : MR. A PHUKAN

Advocate for the Respondent : SC, APSC

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

Date : 22-08-2022

Heard Mr. A Phukan, learned counsel for the petitioner, who submits that the petitioner participated in the combined competitive examination of 2015 as a ST(P) candidate aspiring to be appointed to the post of Labour Inspector. The petitioner successfully completed the preliminary, mains as well as the interview test, but unfortunately when the results were declared, his name did not figure in the select list. Through an application filed under RTI, the petitioner came to learn about three anomalies. The cut off marks

for the ST(P) candidates was 901 marks which the petitioner also scored. But the basis on which the last selected candidate was given preference over the petitioner is not known. Secondly, the petitioner alleges that he has not been given any marks for Question No. 6 (d)(v) in the English subject despite having given the correct answer and thirdly, the Invigilator concerned has cancelled the marks given to the petitioner on 2 (two) occasions without subscribing his/her signature and the same is in clear violation of Rule 56 of the Assam Public Service Commission (Procedure and Conduct of Business) Rules, 2010.

The learned counsel therefore, submits that had the petitioner been awarded the marks for correctly answering the question, he would have surely been selected for the post. The learned counsel further submits that the delay in approaching the Court is only due to certain factors which are beyond the control of the petitioner.

In view of above, issue notice of motion, returnable by 4 (four) weeks.

Mr. PP Dutta, learned Standing Counsel, APSC appears and accepts notice on behalf of respondent Nos. 1, 2 and 3, while Mr. SS Roy, learned State Counsel appears and accepts notice on behalf of respondent Nos. 4 and 5 and Mr. A Chaliha, learned Standing Counsel, Finance Department appears and accepts notice on behalf of respondent No. 6.

Requisite extra copies of the writ petition be furnished to all the learned counsels appearing for the respondents within 2 (two) days.

Petitioner to take steps for service of notice upon respondent Nos. 7 and 8 by registered post with A/D within 3 (three) days.

List the matter ***after 4 (four) weeks.***

Respondents to file their affidavit-in-opposition in the meantime.

The question about the maintainability of the writ petition is kept open.

JUDGE

Comparing Assistant