

GAHC010206182025



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

Case No. : WP(C)/5334/2025

KITUSMITA BARMAN
D/O BAIKUNTHA BARMAN, R/O HOUSE NO. 02, BYE LANE NO. 08, P.O.-
NOONMATI, DIST- KAMRUP (M), PIN-781020, ASSAM

VERSUS

THE ASSAM PUBLIC SERVICE COMMISSION AND 2 ORS.
REPRESENTED BY ITS CHAIRMAN, HAVING ITS OFFICE AT
JAWAHARNAGAR, KHANAPARA, GUWAHATI, PIN-781022, DIST- KAMRUP
(M), ASSAM

2:THE SECRETARY
ASSAM PUBLIC SERVICE COMMISSION
HAVING ITS OFFICE AT JAWAHARNAGAR
KHANAPARA
GUWAHATI
PIN-781022
DIST- KAMRUP (M)
ASSAM

3:THE DEPUTY SECRETARY
THE ASSAM PUBLIC SERVICE COMMISSION
HAVING ITS OFFICE AT JAWAHARNAGAR
KHANAPARA
GUWAHATI
PIN-781022
DIST- KAMRUP (M)
ASSA

Advocate for the Petitioner : MR. P J SAIKIA, SR. ADV, MR K J SAIKIA,MR. P BORDOLOI

Advocate for the Respondent : SC, APSC,

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 09.09.2025

Heard Mr. P.J. Saikia, learned Senior Counsel assisted by Mr. K.J. Saikia, learned counsel for the petitioner and Mr. P.P. Dutta, learned Standing Counsel, APSC assisted by Ms. P. Sharma, learned counsel for all the respondents.

2. An Advertisement no. 11/2024 was published on 01.06.2024 by the respondent Assam Public Service Commission [APSC] inviting applications for three nos. of posts, namely, [i] Junior Legislative Counsel and Under Secretary to the Government of Assam, Legislative Department, Assam; [ii] Legal Assistant to Legal Remembrancer and Under Secretary to the Government of Assam, Judicial Department, Assam; and [iii] Under Secretary to the Government of Assam, Judicial Department, Assam with the last date of submission of online applications as 05.07.2024. A candidate fulfilling the eligibility criteria and having education qualifications mentioned in the Advertisement can submit separate applications for the three posts. The petitioner has stated that having the requisite eligibility criteria and educational qualifications to submit applications for all the three posts, she responded by submitting her online applications along with all the documents required as per the Advertisement, to be submitted online along with the application. The documents uploaded by the petitioner in response to the Advertisement find mention in the downloaded copy of the application form.

3. On 01.09.2025, a Notification has been published by the APSC giving the

dates scheduled for interview/viva voce for the three posts on 09.09.2025, 10.09.2025 and 11.09.2025 respectively. On the same date, the respondent APSC has published a rejection list and an acceptance list of candidates for the said three posts. The petitioner's name finds mention in the rejection list showing the ground of rejection, 'No Certificate of Practice'.

4. The petitioner has approached before this Court by the instant writ petition asserting that the certificate, 'Certificate of Practice' was not mentioned as a document to be submitted online along with the application while responding to the Advertisement no. 11/2024.

5. Mr. Saikia, learned Senior Counsel appearing for the petitioner has submitted that neither at the time of Advertisement nor at any subsequent time, the APSC had mentioned that the 'Certificate of Practice' was a document required to be submitted by the candidates. She has drawn attention to the Notification dated 01.09.2025 whereby the dates scheduled for interview/viva voce have been intimated to submit that only in that Notification, the APSC has mentioned that the 'Certificate of Practice' issued by the Bar Council of India is to be submitted by the candidates at the time of interview in original. Having not asked to submit the 'Certificate of Practice' at the time of submission of online application or any time thereafter and on being placed in the rejection list, the petitioner has already submitted a representation before the respondent APSC authorities on 08.09.2025. Mr. Saikia, learned Senior Counsel has further submitted that a nos. of other candidates have been deprived from appearing in the interview/viva voce on the same ground, 'No Certificate of Practice'.

6. Mr. Dutta, learned Standing Counsel, APSC has submitted that he has not

received instruction as to whether the 'Certificate of Practice' has been mentioned as a mandatory document required to be submitted prior to the date of interview/viva voce. Mr. Dutta has submitted that he has received instruction to the effect that the respondent APSC authorities had examined the case of other candidates whose applications have been rejected on the same ground, i.e., 'non-submission of Certificate of Practice' and a decision is likely to be taken in that connection.

7. The matter would require consideration.

8. Issue notice, returnable on 15.10.2025.

9. As Ms. Sharma, learned counsel assisting Mr. Dutta has appeared and accepted notice on behalf of all the respondents, issuance of formal notice to the said respondents is dispensed with. Mr. Saikia, learned counsel appearing for the petitioner shall furnish a copy of the writ petition along with annexures to Ms. Sharma during the course of the day.

10. Heard the learned counsel for the parties along on the interim prayer.

11. The dates of interview/viva voce are scheduled for the aforementioned three posts on 09.09.2025, 10.09.2025 and 11.09.2025 respectively. It is the case of the petitioner that except the 'Certificate of Practice' issued by the Bar Council, the petitioner has already submitted all other documents mentioned in the Notification dated 01.09.2025. It is the case of the petitioner that had the 'Certificate of Practice' been mentioned as a document to be submitted at the time of submission of application, she could have submitted the same. It has been asserted that the 'Certificate of Practice' issued by the Bar Council of India was not a document mentioned in the Advertisement on any subsequent time,

the petitioner would be prejudiced if on that account, the petitioner is not allowed to appear in the interview/viva voce for the said three posts.

12. Having considered all the aforesaid aspects including the loss likely to be suffered by the petitioner if the petitioner is not allowed to appear in the interview/viva voce for the said three posts only on the ground of rejection shown in the rejection list, that is, 'No Certificate of Practice', this Court is of the considered view that the petitioner can be allowed, in the interim, to appear provisionally in the interview/viva voce scheduled on 09.09.2025, 10.09.2025 and 11.09.2025 respectively. It is ordered accordingly. The matter of selection of the petitioner is made subject to the outcome of the writ petition.

13. As the dates of interview/viva voce are scheduled on 09.09.2025, 10.09.2025 and 11.09.2025 respectively and the petitioner is not likely to receive any intimation [admit card] to appear in the interview/viva voce, Mr. Dutta, learned Standing Counsel, APSC is requested to intimate the competent authority in the APSC as regards the interim order passed today so as to enable the petitioner to appear in the interview/viva voce scheduled on 09.09.2025, 10.09.2025 and 11.09.2025 respectively.

14. Since the date of interview/viva voce for the post of Junior Legislative Counsel and Under Secretary to the Government of Assam, Legislative Department is scheduled today, i.e., 09.09.2025 from 09-00 a.m. onwards, it is observed that if for any reason the respondent APSC authorities are not in a position to hold the interview/viva voce for the petitioner for the said post today, the respondent APSC authorities are at liberty to hold the interview/viva voce for the petitioner at any other date convenient to the respondent APSC authorities.

15. Having considered the submissions of Mr. Dutta, learned Standing Counsel, APSC that there are other candidates whose applications are rejected on the ground of non-submission of 'Certificate of Practice' and the APSC authorities are considering their cases, it is observed that the APSC authorities are at liberty to take appropriate decision in that connection.

16. List the case on 15.10.2025.

JUDGE

Comparing Assistant