

GAHC010204862025



2026:GAU-AS:7739

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)
ASSAM

Advocate for : MR. P J SAIKIA
SR. ADV
Advocate for : SC
APSC appearing for THE ASSAM PUBLIC SERVICE COMMISSION AND 2 ORS.

**BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN**

ORDER

Date : 01.06.2026

Heard Mr P Bordoloi, learned counsel appearing for the petitioner. Also heard Mr T J Mahanta, learned Senior Counsel, assisted by Ms P Sarma, learned counsel for the respondent Nos. 1, 2 and 3.

2. By filing this application under Article 226 of the Constitution of India, the petitioner has prayed for a writ in the nature of certiorari for quashing the impugned list dated 01.09.2025, by which the petitioner was debarred to appear in the examination for the post of Junior Legislative Counsel and Under Secretary to the Government of Assam, Legislative Department, as well as to the post of Legal Assistant to the Legal Remembrancer and Under Secretary to the Government of Assam, Judicial Department and Under Secretary to the Government of Assam, Judicial Department. The petitioner has also prayed for a direction to the respondent authorities to consider the petitioner as duly qualified and to be selected for interview, pursuant to the advertisement dated 01.06.2025, for the said post.

3. It is the case of the petitioner that she is an Advocate since the year 2021 and that she has cleared the All India Bar Examination on 03.02.2022, and was issued a Certificate of Practice to that effect. It is the further case of the petitioner that the Assam Public Service Commission had issued an advertisement on 01.06.2024, inviting applications from Advocates enrolled under the Advocates' Act of 1961, with the minimum experience of 3 (three) years of practice for the post of Junior Legislative Counsel and Under Secretary to the Government of Assam, Legislative Department, post

of Legal Assistant to the Legal Remembrancer and Under Secretary to the Government of Assam, Judicial Department and a post of Under Secretary to the Government of Assam, Judicial Department, as mentioned above. The petitioner states that being qualified, he applied for the posts advertised as above and that the Deputy Secretary, APSC, vide notification dated 01.09.2025, had published the dates for interview for the three advertised posts and that with the said notification, the Deputy Secretary, APSC, had released 3 (three) lists for the said posts, showing the rejected candidates and the ground mentioned in the said list was that no Certificate of Practice was submitted by the petitioner. However, the learned counsel for the petitioner, submits that the petitioner had his Certificate of Practice, as stated above and that on being aggrieved by the rejection of their candidature as reflected in the said list, the petitioner approached this Court by filing the instant writ petition.

4. This Court, by way of an interim order dated 09.09.2025, had allowed the petitioner to appear provisionally in the interview (viva-voce), scheduled on 09.09.2025, 10.09.2025 and 11.09.2025.

5. In view of the said interim order, the petitioner had submitted his Certificate of Practice while appearing in the interview (viva-voce) held by the Department on 9th of September, 2025, and on subsequent dates, i.e., on 10th and 11th of September, 2025.

6. Thereafter, on 10th of March, 2026, the Deputy Secretary to the APSC, issued a notification notifying that the candidates who were previously rejected on the ground of non-submission of Certificate of Practice were directed to submit the copies of certain documents for scrutiny on 18.03.2026, including the Certificate of Practice. The list of documents were mentioned in the said notification.

7. As far as the grievance of the petitioner that he was rejected on the ground of non-submission of Certificate of Practice, the same has been meted out in the facts and circumstances of the instant case, as it has been seen as stated above that the petitioner was allowed to appear in the viva-voce interview and was allowed to submits his

Certificate of Practice. The learned counsel for the petitioner, however, submits that his practice before the Courts should be considered from the date of his enrollment and for that he places the enrollment certificate, which shows that she was enrolled as an Advocate under the Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh and Sikkim, on 20th of February, 2021. It is also placed and submitted that the petitioner has successfully appeared in All India Bar Examination within the mandatory period of 2 (two) years, i.e., on 03.02.2022. It is also stated that the petitioner was issued the Certificate of Practice to that effect.

8. The learned counsel for the petitioner has also placed a Judgment of the Hon'ble Supreme Court in *All India Judges' Association and Others –Vs- Union of India*; reported in **2025 SCC Online SC 1184**, by which the Hon'ble Apex Court has held that experience of an Advocate should be counted from the date on which provisional registration has been granted to a candidate. In view of the same, the learned counsel for the petitioner submits that the petitioner's practice should be counted from the date of enrollment.

9. Mr T J Mahanta, learned Senior Counsel submits that the same will be considered by the authorities concerned.

9. In view of the same, this Court directs that the Assam Public Service Commission (APSC) would consider the case of the petitioner by reckoning his practice from the date of his enrollment for the post that he has applied, if not found ineligible for other reasons.

10. Writ Petition stands disposed of.

JUDGE

Comparing Assistant