

GAHC010219702024



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

Case No. : WP(C)/5467/2024

SUMITA BAGLARY
D/O- BIMAL BAGLARY ,
PERMANENT R/O- VILLAGE H.NO-126, SARTHE RONGHANG BELTOLA,
DIPHU, P.O- RONGKHELAN,
P.S- DIPHU, DIST- KARBI ANGLONG, ASSAM, PIN-782462

VERSUS

THE UNION OF INDIA AND 10 ORS
REP. BY THE MINISTRY OF HEALTH AND FAMILY WELFARE, GOVT. OF
INDIA, SHASTRI BHAWAN, NEW DELHI, PIN-110608

2:THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT
REP. BY THE SECRETARY TO THE DEPARTMENT OF SOCIAL JUSTICE AND
EMPOWERMENT (SCHEDULED CASTES AND SCHEDULE TRIBE
DEVELOPMENT DIVISION-REVISION OF LISTS CELL) GOVT. OF INDIA
SHASTRI BHAWAN
NEW DELHI
PIN-110608

3:THE NATIONAL COMMISSION FOR SCHEDULED TRIBES
LOK NAYAK BHAWAN
REP. BY ITS SECRETARY TO THE GOVT. OF INDIA
KHAN MARKET

NEW DELHI
PIN-110003

4:THE ALL INDIA INSTITUTE OF MEDICAL SCIENCE(AIIMS)
REP. BY ITS CHAIRMAN
ANSARI NAGAR
NEW DELHI-110608

5:THE DIRECTOR
ALL INDIA INSTITUTE OF MEDICAL SCIENCE
ANSARI NAGAR
NEW DELHI-110608

6:THE ADDITIONAL DIRECTOR
ALL INDIA INSTITUTE OF MEDICAL SCIENCE
ANSARI NAGAR
NEW DELHI-110608

7:THE ASSISTANT CONTROLLER (EXAM)
EXAMINATION SECTION

ALL INDIA INSTITUTE OF MEDICAL SCIENCE
ANSARI NAGAR
NEW DELHI-110608

8:THE ADMINISTRATIVE OFFICER
RECRUITMENT CELL

ALL INDIA INSTITUTE OF MEDICAL SCIENCE
ANSARI NAGAR
NEW DELHI-110608

9:THE STATE OF ASSAM
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
DEPARTMENT OF WELFARE OF PLAIN TRIBES AND BACKWARD CLASSES
DISPUR
GUWAHATI-06

10:THE KARBI ANGLONG AUTONOMOUS COUNCIL
REP. BY THE PRINCIPAL SECRETARY
KAAC
DIPHU
ASSAM
PIN-782460

11:THE DEPUTY COMMISSIONER

KARBI ANGLONG
DIPHU
ASSAM
PIN-78246

Advocate for the Petitioner : MR. N K MURRY, P HAJONG,S DEB,MS S.DAS,MS P TOKBIPI

Advocate for the Respondent : DY.S.G.I., SC, K A A C,GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 25/10/2024

Heard Mr. A.K. Purkayastha, learned counsel for the writ petitioners. Perused the averments made in the writ petition

Being aggrieved by the order dated 19/09/2024, by means of which, the candidature of the petitioner for the post of Nursing Officer at AIIMS, New Delhi in NORCET-4 (2023) was cancelled on the ground that the petitioner does not belong to a recognized Schedule Tribe from the District of Karbi Anglong, the instant writ petition has been filed *inter-alia* contending that the impugned order is illegal. Mr. Purkayastha has also prayed for an interim order protecting the interest of his client.

Mr. J. Chutia, learned Standing Counsel, KAAC, on the other hand submits that since the 'Bodos' living in Karbi Anglong are not included in the list of STs in the Central Government Order of 1950, the petitioner cannot get the benefit of a reserved category candidate (ST) from Assam. As such, there is no illegality in the impugned order. The learned Standing Counsel, however, submits that he would have nothing to say with regard to the validity of the selection of the petitioner.

Mr. S.P. Choudhury, learned CGC, appearing for the respondent nos. 1, 2 & 3, prays for some time to obtain instruction.

Considering the nature of dispute expressed in this proceeding and the urgency expressed in the matter, this Court is of the opinion that the issue raised in this writ petition, calls for deeper consideration.

As such, issue notice returnable on 22/11/2024.

Since Mr. S.P. Choudhury, learned CGC, has accepted notice on behalf of the respondent nos.

1, 2 & 3, Mr. C.K.S. Baruah, learned Government Advocate, Assam, has accepted notice on behalf of the respondent nos. 9 & 11 and Mr. J. Chutia, learned Standing Counsel, KAAC, has accepted notice on behalf of the respondent no. 10, no formal notice is required to be sent to the said respondents. However, extra copies of the writ petition, requisite in numbers, be furnished to the learned departmental counsel within a week from today, so as to enable them to obtain instruction.

Petitioner to take steps for service of notice upon the respondent nos. 4 to 8 by registered post with A/D within a week from today.

List this case again on 22/11/2024.

Heard on the prayer of interim relief. The said relief will be considered the returnable date. However, as an ad-interim measure, it is hereby provided that the post offered to the petitioner shall not be filled up by any other candidate till the returnable date.

JUDGE

sukhamay

Comparing Assistant