

GAHC010234082023



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

Case No. : WP(C)/6106/2023

PABIN CH. BORO
S/O- LATE PUWA RAM BORO, R/O- HATATH COLONY, W/NO. 4, HOUSE NO.
63/A, P.O. PANDU, P.S. JALUKBARI, GUWAHATI-781012, DIST. KAMRUP(M),
ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE SECRETARY, GOVERNMENT OF ASSAM, PUBLIC
WORKS DEPARTMENT, (BUILDING AND NATIONAL HIGHWAY), DISPUR,
GUWAHATI-781006.

2:THE UNDER SECRETARY
GOVT. OF ASSAM
(ESTABLISHMENT)
PUBLIC WORKS DEPARTMENT
(BUILDING AND NATIONAL HIGHWAY)
DISPUR
GUWAHATI-781006.

3:THE CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT (ROADS)/(NATIONAL HIGHWAY WORKS)
ASSAM
CHANDMARI
GUWAHATI-781003.

4:THE SUPERINTENDING ENGINEER

PUBLIC WORKS DEPARTMENT
GUWAHATI NATIONAL HIGHWAY CIRCLE
CHANDMARI
GUWAHATI-781003.

5:THE EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT
GUWAHATI NATIONAL HIGHWAY DIVISION
M.G. ROAD
FANCY BAZAR
GUWAHATI-781001.

6:ANAMIKA MECH
D/O- LATE PRASANTA MECH
R/O- HOUSE NO. 8
RUPNAGAR
OPPOSITE HEMESWARI BORO PATH
P.O. BHANGAGARH
P.S. PALTANBAZAR
DIST. KAMRUP(M)
ASSAM
GUWAHATI-781032

Advocate for the Petitioner : MR M AHMED, MR. A HUSSAIN,A. K. KANU

Advocate for the Respondent : SC, PWD, MS P BORUAH (R-6),MS. A RANA (R-6),MR. C SHARMA (R-6)

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 15.07.2026

Heard Mr. A. Hussain, learned counsel, appearing for the petitioner. Also heard Mr. R. Dhar, learned Standing Counsel, PWD, as well as Ms. A. Rana, learned counsel, appearing for the Respondent No.6.

2. The petitioner by way of instituting the present writ petition has prayed for a direction for placing him against the Roster Point meant for Schedule Tribe Plain ST(P) community candidates in the cadre of Senior Assistant in the establishment of the

Executive Engineer, Public Works Department, Guwahati National Highway Division, in pursuance to his promotion to the said post in the year 2016.

3. The petitioner in the present writ petition was initially appointed as a Lower Division Assistant (LDA) against a post reserved for the ST(P) community candidates. Such appointment of the petitioner was effected vide order dated 20.02.2008. Thereafter, the petitioner was considered for promotion to the next higher grade of Senior Assistant and accordingly, the petitioner was so promoted vide order dated 28.12.2016. Thereafter, a Roster Register of the cadre of Senior Assistant was published in the year 2022 and therein, the petitioner was placed against a Roster Point meant for unreserved candidates, which was shown to have been de-reserved in pursuance to an approval received from the Government on 15.12.2016. The petitioner who belongs to the ST(P) community, on being placed against a Roster Point meant for unreserved community candidates in the cadre of Senior Assistant, being apprehensive that such placement of the petitioner would result in his status as a member of a ST(P) community to be ignored while considering his case for further advancement in his service career, has instituted the present writ petition.

4. I have heard the learned counsel for the parties and perused the materials brought on record.

5. The claim of the petitioner as noticed, hereinabove, is for his placement against a Roster Point meant for ST(P) community cadre of Senior Assistant in the establishment of the Respondent No.5. It is not disputed that the petitioner on being

found to be suitable was promoted to the cadre of Senior Assistant vide issuance of an order dated 28.12.2016. The petitioner on his such promotion had joined against the promotional post on the same very date i.e. on 28.12.2016. Thereafter, in the Roster Register as published for the cadre of Senior Assistant in the establishment of the Respondent No.5, the name of the petitioner was so reflected, therein, against a point meant for unreserved community candidates.

6. It is a settled position of law that a Roster Register is only for the purpose of apportioning the posts in a cadre amongst the unreserved and the reserved community candidates. The Roster Register otherwise would not have any effect in determining the status of an employee, whose name has been incorporated, therein. Merely on account of the petitioner being so placed in the Roster Register against a point meant for unreserved community candidates, this Court is of the considered view that no prejudice has been caused to the petitioner in the matter and the ST(P) status of the petitioner would not be undermined in any manner. The placement of the petitioner against a Roster Point meant for unreserved community candidates in the considered view of this Court is inconsequential and would not have any adverse effect on the further progression of the petitioner, herein, in his service career.

7. Accordingly, the apprehension of the petitioner that on account of being placed against a Roster Point meant for unreserved community candidates in the cadre of Senior Assistant in the establishment of the Respondent No.5, would cause prejudice to his further advancement in his service career in the considered view of

this Court is clearly misplaced. Accordingly, the grievance raised by the petitioner in the present writ petition would not mandate an acceptance from this Court.

8. Having drawn the said conclusion, this Court provides that the respondent authorities on account of the fact that the petitioner has now been placed against a Roster Point meant for unreserved community candidates in the cadre of Senior Assistant in the establishment of the Respondent No.5, would not deprive the petitioner of any further promotion to the next higher grades, in the event, the petitioner being a member of ST(P) community is entitled for being considered as such. The ST(P) status of the petitioner shall not be in any manner undermined by the Respondent Authorities in the matter on further advancement of the petitioner in his service career.

9. With the above observations and directions, the present writ petition stands disposed of.

JUDGE

Comparing Assistant