

GAHC010236582025



2026:GAU-AS:710

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

Case No. : WP(C)/6140/2025

NAYAN JYOTI SARMA AND ORS
S/O KUMUD CHANDRA SARMA/O H. NO. 14, SUKAPA PATH, TOWN -
GUWAHATI.P.O - PANJABARI, P.S - SATGAON, PIN - 781037, KAMRUP
METRO, ASSAM

2: KULDIP RAJBONGSHI
S/O CHANDRA KANTA RAJBONGSHIR/O GHORAMARA
NIRIBILI PATH
GUWAHATI-28
TOWN - GUWAHATI.P.O/ - BELTOLA
P.S - HATIGAON
PIN 781028
KAMRUP METRO
ASSAM

3: ROHAN MAHMOOD
S/O ABDUR RASHID/O ABHAYAPURI WARD NO 01
TOWN - ABHAYAPURI.P.O/P.S - ABHAYAPURI
PIN 783384
BONGAIGAON
ASSAM

4: FARUQUE MOHAMMAD SAIKIA
S/O LATE MAHCHIN ALI SAIKIAR/O HAJO DAULASHAL PATH
VILL - LOHARKATHA P.O - LOHARKATHA
P.S - MUKALMUA
PIN 781126
NALBARI
ASSAM

5: NAZNINA YESMIN
D/O AKBAR ALI R/O D2
BLOCK II
AMAN HERITAGE

MOTHER TERESA PATH
OPP HATIGAON POLICE STATION
HATIGAON
TOWN GUWAHATI.P.O - GUWAHATI
PIN 781038
KAMRUP METRO
ASSAM

6: RUPAK KALITA
S/O ARABINDA CHANDRA KALITAR/O WARD NO 01
COLLEGE ROAD
JYOTI NAGAR
NEAR TOWN COMMITTEE OFFICE PATHSALA
TOWN - PATHSALA.P.O - PATHSALA
P.S - PATACHARKUCHI
PIN 781325
BAJALI
ASSAM

7: KAMAL DAS
S/O RASHMI DASR/O RUPNAGAR
SANKARDEV PATH
HOUSE NO - 45
TOWN - RUPNAGAR
GUWAHATI.P.O - INDRAPUR
P.S - BHANGAGARH
PIN 781032
KAMRUP METRO
ASSAM

8: RAJIB KR DEKA
S/O - MADHU RAM DEKAR/O VILL BAGTA
P.O - BAGTA
P.S - HAJO
PIN 781102
KAMRUP RURAL
ASSAM

9: ANKUR JYOTI DAS
S/O -NIROD CH. DASR/O PANDU SADILAPUR
JALUKBARI
GUWAHATI-781012
TOWN - PANDU GHYP.O - PANDU
P.S - JALUKBARI
PIN 781012
KAMRUP METRO
ASSAM

10: SYEDA NASHRIN SULTANA
D/O SYED NAJIBUDDIN AHMEDR/O NALBARI MALIKUCHI WARD NO-2
781335
NALBARI
ASSAM

11: PARBIN EYASMIN
D/O TAIZUDDIN AHMEDR/O VILLAGE BARNI
P.S. HAJO
KAMRUP
78110

VERSUS

THE STATE OF ASSAM AND ORS
REP. BY THE COMMISSIONER AND SPECIAL SECRETARY TO THE GOVT.
OF ASSAM PUBLIC WORKS ROADS DEPTT. ASSAM SECRETARIAT DISPUR
GUWAHATI-6.

2:THE COMMISSIONER AND SPECIAL SECRETARY TO THE GOVT OF
ASSAM PUBLIC WORKS ROADS DEPTT
ASSAM SECRETARIAT DISPUR GUWAHATI-6.

3:THE COMMISSIONER AND SPECIAL SECRETARY TO THE GOVT OF
ASSAM PUBLIC WORKS BUILDING AND NH DEPTT
ASSAM SECRETARIAT DISPUR GUWAHATI-6
2022

4:THE ADDITIONAL CHIEF ENGINEER (P)

PWD ROADS
OFFICE OF THE CHIEF ENGINEER
PWD ROADS
ASSAM
CHANDMARI
GUWAHATI

5:THE FINANCE DEPARTMENT
REPRESENTED BY ITS COMMISSIONER SECRETARY TO THE
GOVERNMENT OF ASSAM
GROUND FLOOR
F BLOCK
JANATA BHAWANDISPUR
GUWAHATI 781006

6:ASSAM PUBLIC SERVICE COMMISSION
REP BY ITS CHAIRMAN
JAWAHAR NAGAR KHANAPARA

GUWAHATI ASSAM PIN-78102

Advocate for the Petitioner : MR B P BORAH, MR. U S BORA,MR J. B. CHOUDHURY,MISS. J GOGOI,MR. A KHANDAKAR

Advocate for the Respondent : SC, APSC, SC, PWD,SC, FINANCE

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 21-01-2026

Heard Mr. B.P. Borah, learned counsel for the petitioners. Also heard Mr. P. Nayak, learned Addl. AG, Assam appearing for the respondents Nos. 1 to 5 and Mr. T.J. Mahanta, learned Sr. counsel assisted by Ms. P. Sharma, learned standing counsel, APSC appearing for the respondent No. 6.

Mr. Borah submits that in pursuance to the advertisement dated 19-11-2019 a recruitment process for filling up 307 posts of Junior Engineer in the PWD was initiated. On completion of the selection process the selected candidates have been appointed against the vacant posts so available. However, he submits that there are vacant posts of Junior Engineer (Civil) available in the department, against which the petitioner can be continued under Regulation 3(f) of the Assam Public Service Commission (Limitation of Function) Regulations, 1951 (in short the Regulation of 1951).

Mr. Nayak, learned Addl. AG, Assam, however, disputes the contention of the petitioner and submits that the petitioners were only working under the Regulation 3(f) of the said Regulation of 1951 and they had also appeared in the selection process, however, barring one of the petitioners, the others were not successful in the selection process, accordingly, they are not entitled to continue with the ad-hoc appointment so made in their respective cases.

Mr. Borah by referring to an order dated 19-12-2025 passed in I.A.(C) No. 3950/2025, by which this Court had granted liberty to the petitioners to file detailed representation before the Commissioner & Special Secretary to the Govt. of Assam, PWD (Road) for resolution of their grievances, submits that although the recruitment process involved has been taken to its logical conclusion, there exists vacant posts against which the petitioners can be continued in their services under Regulation 3(f). He accordingly prays that he be permitted to withdraw the present writ petition to pursue the representation already preferred by the petitioners before the respondent authorities in terms of the directions passed by this Court vide order dated 19-12-2025 in I.A.(C) No. 3950/2025.

The said prayer has not been objected to by the learned counsel for the respondents.

In view of the above, the present writ petition stands dismissed on withdrawal, however, with liberty reserved to the petitioner to continue to pursue the representation submitted by them before the respondent authorities. The respondent authorities shall, in the event the representation has been so preferred, consider and dispose of the same in accordance with law by way of passing a speaking order.

JUDGE

Comparing Assistant