



GAHC010237842022



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

**Case No. : I.A.(Civil)/3453/2022**

SYED TAFIKUDDIN AHMED  
S/O- SYED MAMTAZ ALI, R/O- VILL- TITKURI, P.O- TITKURI, DIST-  
KAMRUP(R), PIN- 781354

VERSUS

THE ASSAM POWER DISTRIBUTION COMPANY LTD. (APDCL) AND 7 ORS  
BIJULEE BHAWAN, PALTAN BAZAR, GUWAHATI- 781001, TO BE REP. BY  
ITS DIRECTOR (PERSONAL)

2:CHIEF GENERAL MANAGER  
APDCL  
BIJULEE BHAWAN  
PALTAN BAZAR  
GUWAHATI- 781001

3:ASSAM POWER GENERATION CORP LIMITED  
BIJULEE BHAWAN  
PALTAN BAZAR  
GUWAHATI- 781001  
TO BE REP. BY ITS MANAGING DIRECTOR

4:GENERAL MANAGER  
APGCL  
BIJULEE BHAWAN  
PALTAN BAZAR  
GUWAHATI- 781001

5:SHRI RAJDEEP BORA  
C/O INDRAJIT BORA  
GOHAIN TEKELA GAON  
LAGUA BORA CHOOK  
P.O. JORHAT  
DIST. JORHAT



ASSAM  
PIN 785001.

6:SHRI RITTIKA PAUL  
C/O SUBIR PAUL  
PROBIR MARKET  
OPP. ASTC BUS STAND  
PALTANBAZAR  
P.O. REHABARI  
PALTANBAZAR  
DIST. KAMRUP(M)  
ASSAM  
PIN 781008.

7:SHRI NISHA SMITA DAS  
C/O ROBIN CHANDRA DAS  
R/O VILLAGE BALAPUKHURI  
P.O. CHHAYGAON  
DIST. KAMRUP  
ASSAM  
PIN 781124.

8:SHRI TINKU DAS  
C/O BALEN CHANDRA DAS  
AMBARI FATASHIL  
SEWALI PATH  
TULA FACTORY  
H/ NO. 06  
P.O. AMBARI FATASIL  
DIST. KAMRUP(M)  
ASSAM  
PIN NO. 781025

**Advocate for the Petitioner** : MR. B K DAS

**Advocate for the Respondent** : SC, APDCL

Linked Case : WP(C)/7448/2019

SYED TAFIKUDDIN AHMED  
S/O- SYED MAMTAZ ALI  
R/O- VILL- TITKURI  
P.O- TITKURI  
DIST- KAMRUP(R)  
PIN- 781354

VERSUS



THE ASSAM POWER DISTRIBUTION COMPANY LTD. (APDCL) AND 3 ORS  
BIJULEE BHAWAN  
PALTAN BAZAR  
GUWAHATI- 781001  
TO BE REP. BY ITS DIRECTOR (PERSONAL)

2:CHIEF GENERAL MANAGER  
APDCL  
BIJULEE BHAWAN  
PALTAN BAZAR  
GUWAHATI- 781001

3:ASSAM POWER GENERATION CORP LIMITED  
BIJULEE BHAWAN  
PALTAN BAZAR  
GUWAHATI- 781001  
TO BE REP. BY ITS MANAGING DIRECTOR

4:GENERAL MANAGER  
APGCL  
BIJULEE BHAWAN  
PALTAN BAZAR  
GUWAHATI- 781001

-----  
Advocate for : MR. B K DAS  
Advocate for : SC  
APDCL appearing for THE ASSAM POWER DISTRIBUTION COMPANY LTD.  
(APDCL) AND 3 ORS

**BEFORE**  
**HON'BLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

07.09.2023.

Heard Mr. B.K. Das, learned counsel for the petitioner. Also heard Mr. D. Nath, learned standing counsel, Assam Power Generation Company Limited (APGCL) appearing for the respondent Nos.3 & 4, Mr. S.P. Sharma, learned standing



counsel, Assam Power Distribution Company Limited (APDCL) appearing for the respondent Nos.1 & 2 and Mr. R.B. Gohain, learned counsel for the respondent Nos.6—8.

This Interlocutory Application has been filed for impleadment of the opposite parties as respondents in the WP(C) No.7448/2019. The writ petition was filed by the petitioner putting to challenge the selection and subsequent appointment made to the post of Assistant Accounts Officer in the APGCL, namely the respondent Nos.3 & 4.

The claim of the petitioner is that during the selection process, he was not awarded marks in respect of Question Id Nos.10343, 10345, 10337 and 10338, although according to the petitioner, the answer keys were correct. It is the case of the petitioner that in the event the appropriate marks are allotted to the petitioner in respect of these question Id numbers, he would have scored higher marks and he would have been included in the Select List.

The said grievance of the petitioner ventilated before the Respondent Authorities have not been addressed to by the respondent Department by referring the matters to the Subject Experts, if required, to verify whether the answers given by the petitioner, in respect of the questions referred above are correct or incorrect.

It is the submission of learned counsel for the petitioner that in the event the Writ Petition is allowed, then the person who was appointed through the selection process and was at the bottom of the Select List, his or her appointment may have to be interfered with and accordingly, this I.A. has been filed for impleadment of the opposite parties as respondents in the Writ Petition.

It is submitted by Mr. D. Nath, learned standing counsel of the APGCL,



appearing for the respondent Nos.3 & 4 that the opposite party No.5 Sri Rajdeep Bora had since resigned from his office on 06.02.2021 and it is submitted that the post which was held by Sri Rajdeep Bora has not yet been filled up by any recruitment process. That apart, it is submitted that the sanctioned cadre strength of the Assistant Accounts Officer is 20 and as on date, men in position are 10. The opposite party Nos.6—8 have, in the meantime been promoted to the next higher post.

Mr. R.B. Gohain, learned counsel appearing for respondent Nos.6—8 has filed an objection opposing the prayer for impleadment.

Mr. S.P. Sharma, learned standing counsel, APDCL appears for the respondent Nos.1 & 2, submits that the respondent Nos.1 & 2 were the authorities who have conducted the selection process and set the question papers.

Having heard the learned counsels for the parties and considering the submission that the sanctioned cadre strength of the Assistant Accounts Officer is 20 and as on date, men in position are 10, it will meet the ends of justice, if a direction is passed to the respondent authorities, more particularly the respondent Nos.3 & 4 to keep one post of Assistant Accounts Officer vacant till disposal of the WP(C) No.7448/2019. The said post shall not be filled up, without leave of the Court.

Since the petitioner has challenged the Selection Process for the selection undertaken for the post of Assistant Accounts Officer, direction of this Court to keep one post vacant will safeguard the interests of the petitioner.

Under such circumstances, we do not think at this stage the respondent Nos.6—8 need to be arrayed as party respondents, in view of the statement made by the learned counsel for the respondent Nos.3 & 4, regarding the availability of



sufficient numbers of posts of Assistant Accounts Officer in the APGCL.

In that view of the matter, the I.A. stands disposed of. As directed above, one (1) post of Assistant Accounts Officer in the Assam Power Generation Company Limited (APGCL) shall not be filled up until further orders or till the disposal of the WP(C) No.7448/2019.

The I.A. accordingly stands disposed of, in terms of the above.

JUDGE

**Comparing Assistant**