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

**Case No. : WP(C)/6328/2024**

CHABILAL KAMAN  
S/O- RATNESWAR KAMAN,  
R/O- VILLAGE-LACHAN,  
POST OFFICE- DEHINGMUKH,  
DISTRICT- SIVASAGAR, ASSAM,  
PIN- 785671.

VERSUS

THE STATE OF ASSAM AND 7 ORS  
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF  
ASSAM,  
DISPUR, JANATA BHAWAN, GUWAHATI-6.

2:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM  
PERSONNEL DEPARTMENT  
DISPUR  
JANATA BHAWAN  
GUWAHATI-6.

3:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM  
SOCIAL JUSTICE AND EMPOWERMENT DEPARTMENT  
DISPUR  
JANATA BHAWAN  
GUWAHATI-6.

4:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM  
HEALTH AND FAMILY WELFARE DEPARTMENT  
DISPUR  
JANATA BHAWAN  
GUWAHATI-6.

5:THE STATE LEVEL RECRUITMENT COMMISSION FOR CLASS-IV POSTS  
REPRESENTED BY ITS CHAIRMAN/ SECRETARY

ASSAM ADMINISTRATIVE STAFF COLLEGE

JAWAHARNAGAR  
KHANAPARA  
GUWAHATI-22.

6:THE DIRECTOR OF SECONDARY EDUCATION  
ASSAM

KAHILIPARA  
GUWAHATI-19.

7:THE JOINT DIRECTOR OF HEALTH SERVICES  
SIVASAGAR DISTRICT  
DISTRICT- SIVASAGAR  
ASSAM  
PIN- 785665.

8:THE MEDICAL BOARD  
REPRESENTED BY THE PRINCIPAL-CUM-CHIEF SUPERINTENDENT

GAUHATI MEDICAL COLLEGE AND HOSPITAL

GUWAHATI- 32  
ASSAM

**Advocate for the Petitioner** : MR. S K ROY, S MEDHI,MRS. M M ROY

**Advocate for the Respondent** : GA, ASSAM, SC, SOCIAL JUSTICE AND EMPOWERMENT,SC,  
SEC. EDU.,SC, HEALTH,SC, SLRC

**BEFORE**  
**HONOURABLE MR. JUSTICE NELSON SAILO**

**ORDER**

**02-12-2024**

Heard Mr. S. K. Roy, learned counsel for the petitioner, who submits that the petitioner participated in the recruitment process for Class-IV posts under the PWD category since he has low vision and have 40% disability which is duly

certified by the certifying authority. Although the petitioner was selected he was subjected to further scrutiny wherein he was found to have only 30% disability and therefore, the petitioner not being appointed is before this Court. Learned counsel for the petitioner submits that further scrutiny is not contemplated in the scheme of selection and therefore the petitioner has been illegally deprived of his appointment. The learned counsel further submits that similar writ petitions have been filed by other similarly situated persons and WP(C)/5493/2024 is one such writ petition.

In view of above, issue notice of motion, returnable by 4 (four) weeks.

Mr. C. K. S. Baruah, learned Govt. Advocate, Assam accepts notice on behalf of respondent nos. 1 & 2, Ms. J. Gogoi, learned Standing Counsel, Social Justice and Empowerment Department accepts notice on behalf of respondent no. 3; Mr. D. Upamanyu, learned Standing Counsel, Health Department accepts notice on behalf of respondent nos. 4, 7 & 8; Mr. B. Choudhury, learned counsel appears for respondent no. 5 whereas Mr. T. Thakuria, learned Standing Counsel, Secondary Education Department accepts notice on behalf of respondent no. 6. Notice is therefore complete. Petitioner to serve requisite extra copies of the writ petition to the learned counsel appearing for the respondents today.

Having regards to the projection made by the petitioner, it is hereby provided that any appointment made during the pendency of the writ petition shall be subject to the outcome of this writ petition.

List the matter again after 3 (three) weeks along with WP(C)/5493/2024

**JUDGE**

**Comparing Assistant**