

GAHC010268702025



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

**Case No. : WA/83/2026**

1.SRI TINKU KRO AND 4 ORS  
SON OF LORENCE KRO RESIDENT OF DRIVER COLONY DIPHU PS AND PO  
DIPHU DISTRICT KARBI ANGLONG ASSAM PIN 782460

2: SRI GAILYSON KRONIHANG  
SON OF LATE BASA KRO RESIDENT OF RANGPANGNI PS AND PO DIPHU  
DISTRICT KARBI ANGLONG ASSAM PIN 782460

3: SRI HARLONGKI TIMUNG  
SON OF HEMARI TIMUNG RESIDENT OF CHIEF ENGINEER COLONY PS  
AND PO DIPHU DISTRICT KARBI ANGLONG ASSAM PIN 782460

4: SRI JIRSONG TERANG  
SON OF LATE SONASING TERANG RESIDENT OF CHEPHONGSAJIR NEAR  
FLOOD CONTROL OFFICE PS AND PO DIPHU DISTRICT KARBI ANGLONG  
ASSAM PIN 782460

5: SRI MIRLIN TERANGPI  
SON OF LATE KHORSING TERANG RESIDENT OF LORULANGSO DIPHU PS  
AND PO DIPHU DISTRICT KARBI ANGLONG ASSAM PIN 78246

VERSUS

1.KARBI ANGLONG AUTONOMOUS COUNCIL AND 6 ORS  
REPRESENTED BY THE PRINCIPAL SECRETARY KARBI ANGLONG  
AUTONOMOUS COUNCIL DIPHU DISTRICT KARBI ANGLONG ASSAM PIN  
782460

2:THE SECRETARY  
DEPARTMENT OF PERSONNEL A KARBI ANGLONG AUTONOMOUS  
COUNCIL DIPHU DISTRICT KARBI ANGLONG ASSAM PIN 782460

3:THE STATE OF ASSAM  
REPRESENTED BY THE COMMISSIONER TO THE GOVT OF ASSAM HILLS

AREA DEVELOPMENT DISPUR GUWAHATI - 6

4:SRI HARMON KRO

SON OF SRI MADHUSING KRO VILLAGE RONGMONJIR PS AND PO DIPHU  
DISTRICT KARBI ANGLONG ASSAM PIN 782460

5:JIRONG RONGPI

SON OF SRI MANSING RONGPI VILLAGE RONGCHEDON NEAR ITI PS AND  
PO DIPHU DISTRICT KARBI ANGLONG ASSAM PIN 782460

6:THE UNION OF INDIA

MINISTRY OF HUMAN RESOURCE DEVELOPMENT REPRESENTED BY ITS  
SECRETARY DEPARTMENT OF HIGHER PAGE 3 OF 36 EDUCATION  
SHASTRI BHAWAN NEW DELHI 110001

7:ALL INDIA COUNCIL FOR TECHNICAL EDUCATION

REPRESENTED BY ITS MEMBER SECRETARY NELSON MANDELA MARG  
VASANT KUNJ NEW DELHI 11006

For the Appellant(s) : Mr. K.N. Choudhury, Senior Advocate assisted by Mr. R.M.  
Deka, Advocate.

For the Respondent(s) : Mr. J. Chutia, Senior Advocate assisted by Ms. S. Kemprai,  
Standing Counsel, KAAC for respondent Nos.1 & 2.  
: Mr. S. Baruah, Government Advocate for respondent No.3.  
: Mr. S.C. Keyal, Senior Advocate assisted by Mr. K. Jain,  
Advocate for respondent No.7.

**- B E F O R E -**

**HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR**

**HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY**

**05.05.2026**

*(Ashutosh Kumar, CJ)*

We have heard Mr. K.N. Choudhury, learned Senior Advocate for the appellants and Mr. J. Chutia, learned Senior Advocate/Standing Counsel, KAAC.

The impugned judgment dated 31.10.2025 passed by a learned

Single Judge of this Court in WP(C) No.1568/2018 is stated to be flawed for the reason of not taking into account the fact that respondent No.4, who was appointed on the post of Assistant Engineer (AE) pursuant to an advertisement issued on 17.02.2017, did not have the requisite qualification of Bachelor of Engineering (Civil) degree; rather he was only a diploma holder.

The further contention of the appellants, who too had participated in the recruitment process against the same advertisement but could not make it, is that the advertisement had declared only one vacancy against which the recruitment process was initiated.

During the pendency of the recruitment process, because of promotion, one post had fallen vacant and that place was filled up from amongst the participants in such recruitment process, which, according to the appellants, is not permissible for the reason of such post not being either existing or anticipated for which the process was initiated.

Mr. J. Chutia, learned Senior Advocate/ Standing Counsel, KAAC shall respond to this appeal on the afore-noted issues.

Let notice be issued to respondent Nos.4 and 5, on steps being taken by the appellants within a period of 2(two) weeks from today by speed post as well as by usual process, returnable on 03.08.2026.

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**