

GAHC040016522025

2025:GAU-AP:1106-DB



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

Case No. : WA/44/2025

Kime Kaing

Son of Shri Kime Kaming, resident of Chandranagar, Itanagar, PO Chandranagar, PS Itanagar, Papum Pare District, Arunachal Pradesh.

VERSUS

The Arunachal Pradesh Public Service Commission and 2 Ors
represented by the Secretary, Arunachal Pradesh Public Service Commission,
Itanagar.

2:The Secretary

Age: 0

Occupation :

Arunachal Pradesh Public Service Commission
Itanagar.

3:Exam Superintendent

Age: 0

Occupation :

NERIST

South Campus

Opposite GREF

Nirjuli

Advocate for the Petitioner : Adrita Bhuyan, Dakjum Riba,Mukbang Pertin,Tshering Yangzom
Bhutia

Advocate for the Respondent : Ajin Apang, Sr. Advocate, S/C APPSC

:::BEFORE:::
HON'BLE MR. JUSTICE KARDAK ETE
HON'BLE Mr. JUSTICE BUDI HABUNG

JUDGMENT (ORAL)

23.09.2025

(Kardak Ete, J)

Heard Mr. Nishant Das, learned counsel for the appellant. Also heard Mr. A. Apang, learned Senior Counsel and Standing Counsel, APPSC assisted by Ms. N. Anju, learned counsel for the respondents.

2. This intra-court appeal is directed against the judgment and order dated 10.09.2025, passed by the learned Single Judge in WP(C) No. 390/2025, by which the writ petition filed by the appellant has been dismissed.

3. Having considered the urgency expressed by the learned counsel for the appellant, this writ appeal is heard and disposed of at the Admission stage.

4. Briefly put, the case of the appellant is that pursuant to an Advertisement dated 09.05.2025, published by the Arunachal Pradesh Public Service Commission for admission to Arunachal Engineering Service Examination, 2025 to fill up 166 (one hundred sixty six) posts of Assistant Engineer under various work departments of the State Government of Arunachal Pradesh, the appellant, being an eligible candidate, applied through online applications, was allowed to sit in the forenoon session, i.e. 09:00 AM to 11.00 AM, of the Recruitment

Test/Preliminary Examination held on 27.07.2025, but was not allowed to sit in the afternoon session, i.e. 01:00 PM to 04.00 PM, on the ground that he had not reached the examination hall within the prescribed time. Thereafter, the appellant submitted a representation dated 30.07.2025 before the respondent authorities, which came to be rejected. The appellant filed WP(C) No. 390/2025. The learned Single Judge, after consideration of the submissions advanced by the learned counsel for the parties and the materials available on record, has dismissed the writ petition, which is reproduced herein under:-

"[10.]From the above projection, it may be seen that the examination scheduled on 27.07.2025 was in the forenoon from 09:00 AM to 11:00 AM and in the afternoon from 01:00 PM to 04:00 PM. As per the admit card, entry into the examination venue was to be made at least 15 (fifteen) minutes prior to the starting of the examination. The candidates were also required to be seated in their respective seats before the scheduled time for starting the examination i.e., 09:00 AM for the morning session and 01:00 PM for the afternoon session. The learned Senior Standing Counsel, APPSC, is said to have shown the video footage of the gate leading to the campus of the examination centre on 29.08.2025 but since, the same is not available to be viewed today, this Court is not inclined to enter into this aspect.

[11.]Further, the petitioner and three (3) other candidates were said to have scaled the fencing wall to enter into the examination venue and that the statements of the security personnel on duty were also recorded. However, without entering into this aspect as well, what is relevant and has to be noticed is that for the afternoon session on 27.07.2025, the recorded time of entering the biometrics of the petitioner is 01:01:24 PM and the same is not disputed by the parties. It was only thereafter that the petitioner could have proceeded to enter the Exam Hall. It therefore goes to show that the petitioner did not meet the requirement as was instructed to all the candidates in the admit card issued for the examination. In other words, the petitioner was not in the examination hall before 01:00 PM on 27.07.2025. If certain timing was prescribed for all the candidates sitting for the examination to follow, the same will have to be adhered to and particularly in a competition process.

[12.]The contention of the petitioner that delay in reaching the Exam Hall was due to queuing up of at least ten (10) candidates before the biometric machine also cannot be accepted in view of the fact that if such be the case, the question would be how many amongst those queued up were allowed to enter and how many refused and why. It is nobody's case that amongst those coming late some were allowed to enter while some were denied entry into the Exam Hall. It therefore cannot be said that the authorities concerned were not justified in not letting the petitioner sit for the

examination in the afternoon session of the examination on 27.07.2025.

[13.] Thus upon consideration and under the facts and circumstances, the petitioner cannot be said to have a legitimate grievance. The writ petition is found to be without merit and accordingly dismissed but without cost."

5. Mr. N. Das, learned counsel for the appellant, submits that the appellant duly reported at the examination venue within the stipulated time as prescribed in the admit card and completed the biometric registration at 01:01:24 PM, which is also admitted by the respondents themselves. Had the appellant reported late, he would not have been permitted to complete biometric registration, which is a mandatory pre-condition for entry into the examination hall. The delay in completing the remaining formalities was attributable entirely to the respondents' administrative lapses and inadequate staffing at the centre, for which the appellant cannot be penalized.

6. Mr. Das, learned counsel, further submits that the allegation that the appellant, along with few others, entered the examination premises by scaling the boundary wall is wholly misconceived and unsupported by evidence. No CCTV footage has been produced to substantiate such a serious allegation, and the statements of police personnel are inconsistent, with two officers categorically stating that they did not witness anyone scaling the wall. He submits that the finding of the Hon'ble Single Judge that the appellant did not meet the required timing is perverse, as entry into the hall depends on the frisking and biometric process and the matter was entirely beyond the appellant's control. He submits that the respondents stand that candidates were required to be seated 15 minutes before commencement of the examination is not supported by any instruction in the admit card. He submits that the impugned judgment is based on conjectures and ignores crucial evidence and is

violative of principles of natural justice, and therefore, the same warrants interference by of this Court.

7. Mr. A. Apang, learned Senior Counsel and Standing Counsel, APPSC, while reiterating his submission before the learned Single Judge, submits that that the competition started from the date of the advertisement. He submits that the admit card clearly stipulated that the candidates, including the appellant, to report on time, with gates closing 15 minutes before the scheduled start, i.e. 08:45 AM for the morning session and 12:45 PM for the afternoon session, and the candidates were to be seated by 09:00 AM and 01:00 PM, respectively. He further submits that the petitioner failed to comply with this timing for the afternoon session and, he along with three others, scaled the boundary wall to enter the venue, thereby bypassing frisking. The police personnel on duty recorded their statements regarding the incident. On these grounds, the petitioner was rightly not allowed to appear for the afternoon session, and accordingly, his representation was rejected vide order dated 03.09.2025. Therefore, he submits that the judgment and order passed by the learned Single Judge requires no interference of this Court and the writ appeal is liable to be dismissed.

8. We have heard the submissions of the learned counsel for the parties and also perused the materials available on record, including the impugned judgment and order dated 10.09.2025, passed by the learned Single Judge.

9. Pursuant to an Advertisement No. APPSC/1/2025, dated 09.05.2025, issued by the Arunachal Pradesh Public Service Commission, inviting online applications for admission to the Arunachal Pradesh Engineering Service Examination, 2025 for filling up of 166 (one hundred sixty six) posts of Assistant Engineer under various departments of Government of Arunachal Pradesh, the

appellant submitted his online application and after successful completion of the online form, the appellant was issued admit card with Roll No. 103922 along with the examination scheduled to be held on 27.07.2025 for Recruitment Test. The examination was divided in two parts, i.e. one from forenoon (9:00 AM to 11:00 AM) for Paper-A (RT) General Awareness & logical reasoning, and second from afternoon (1:00 PM to 4:00 PM) for Paper-B (RT) Civil Engineering.

10. Accordingly, on 27.07.2025, as per the examination schedule, the appellant appeared for Paper-A examination during the forenoon session from 9:00 AM to 11:00 AM at the allotted examination centre at NERIST, South Campus, Opposite GREF, Nirjuli. However, the appellant was not allowed to enter the examination hall by examination superintendent of the NERIST, South Campus, Opposite GREF, Nirjuli.

11. It is contended that despite the fact that the appellant had entered inside the gate on time and had completed biometric registration, having the biometric registration No. K1520, and calculator clearance for paper Paper-B of the examination for afternoon session (1:00 PM to 4:00 PM), while the petitioner along with his colleagues were about to enter the examination hall, they were forcefully taken outside the gate and not allowed to take the examination for the Paper-B in the afternoon session on the ground that the appellant had entered the examination centre late, i.e. after the prescribed time.

12. Being aggrieved of not allowing him to sit for examination for the afternoon session for Paper-B, the appellant essentially prays for a direction to the respondent authorities to provide or arrange an opportunity to write Paper-B (RT) Civil Engineering before the written examination (mains) for the Arunachal Engineering Service Examination, 2025.

13. The Recruitment Test for Arunachal Engineering Service Examination, 2025 was scheduled on 27.07.2025 for Paper-A (RT) General Awareness & Logical Reasoning from forenoon (9:00 AM to 11.00 AM) and afternoon sessions (1:00 PM to 4:00 PM for Paper-B(RT) Civil Engineering, which was conducted at NERIST, South Campus, Opposite GREF, Nirjuli. Admittedly, the appellant appeared for the forenoon sessions for Paper-A from 9:00 AM to 11:00 AM. However, he was not allowed for the afternoon session, which was from 1:00 PM to 4:00 PM for Paper-B (RT) Civil Engineering.

14. The admit card issued to the appellant and other candidates for the Recruitment Test clearly stipulates that entry for the candidates into the examination venue will be open from 07:15 AM for the forenoon session and 12:45 PM for the afternoon session and will close 15 minutes prior to the scheduled commencement of the examination, i.e. 08:45 AM for the forenoon session and 12:45 for the afternoon session and no entry will be allowed once the gates are closed. It also provides that the candidates are advised to reach the examination venue well in advance considering the time for frisking and biometric enrolment. It further prescribes that the candidates should be seated in their respective seats before 09:00 AM for the forenoon session and before 01:00 PM for the afternoon session. Thus, it clearly reflects from the admit card that the candidates have to seated in their respective seats before 09:00 AM for the forenoon session and before 01:00 PM in the afternoon session.

15. The appellant, by his own showing of the attendance report for the afternoon session, as annexed in the writ appeal as Annexure-I, at Sl. No. 187, indicates that the registration of the biometric of the appellant was at 01:01:24 PM, which is beyond the prescribed scheduled time, as the appellant was

supposed to be seated before 01:00 PM since the examination starts at 01:00 PM, and he had to enter the examination venue at least 15 minutes prior to starting of the examination. That apart, the appellant and 3 (three) others have been found scaling the fencing wall to enter into the examination venue which is supported by the statements of the security personnel on duty, which fortified the stand of the respondents that the appellant has entered the examination venue after the prescribed time. Even if the biometric registration as shown by the appellant is accepted, we are of the view that it would still be not permitted as it is beyond the prescribed time and the examination having been already started at 01:00 PM.

16. Having considered the submissions advanced at the Bar and after going through the materials available on record and considering the clear instruction as provided to the candidates including the appellant in the admit card, which provides that the candidates should be seated in their respective seats before 09:00 AM for forenoon session and before 01:00 PM for afternoon session, as well as considering that the appellant has reached the examination venue and entered the examination hall not within the prescribed time but beyond the time and after the examination had started, we do not find any reason to take a different view other than the view taken by the learned Single Judge.

17. In the above background, we do not find any infirmity in the impugned judgment and order dated 10.09.2025, warranting interference in this intra-court appeal. Hence, this writ appeal stands dismissed as being devoid of merit.

JUDGE

JUDGE

Comparing Assistant