

GAHC010011192017



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

Case No. : WP(C) 448/2017

1:HITENDRA KUMAR DUTTA and 4 ORS.
S/O. LT. NANDESWAR DUTTA, R/O. WARD NO. 5, HINDUGAON, P.O. NORTH
LAKHIMPUR, DIST.- LAKHIMPUR, PIN.- 787001, AND PRESENTLY SERVING
AS DISTRICT AGRICULTURE OFFICER IN THE RANK OF DY. DIRECTOR,
AGRICULTURE DEPTT.

2: SRI PRAFULLA MAHANTA
S/O. LT. DAMBARUDHAR MAHANTA
R/O. CAMPUS OF THE DIRECTORATE OF AGRICULTURE
KHANAPARA
GUWAHATI- 781022 AND PRESENTLY SERVING IN THE RANK OF DEPUTY
DIRECTOR B/A
AGRICULTURE DEPTT.

3: SRI MUNNA PRADAD ROWNIER

S/O. LT. RAMADHAR RAM ROWNIER
R/O. CAMPUS OF THE DIRECTORATE OF AGRICULTURE
KHANAPARA
GUWAHATI- 781022
AND PRESENTLY SERVING IN THE RANK OF JOINT DIRECTOR
AGRICULTURE DEPTT.

4: SRI JAYMAL BARMAN

S/O. LT. BARUDAO BARMAN
R/O. CAMPUS OF THE DIRECTORATE OF AGRICULTURE
KHANAPARA
GUWAHATI- 781022 AND PRESENTLY SERVING IN THE RANK OF JOINT
DIRECTOR
AGRICULTURE DEPTT.

5: ASSAM AGRICULTURE SERVICE OFFICERS' ASSOCIATION AASOA

REPRESENTED BY ITS GENERAL SECRETARY
SRI RAJIB KUMAR BHUYAN
PRESENTLY SERVING AS AGRICULTURAL DEVELOPMENT OFFICER
PESTICIDE
AGRICULTURE DEPTT.
AND HAVING ITS HEAD OFFICE AT ULUBARI
GUWAHATI- 781007 AND LIAISON OFFICE AT KHANAPARA
GUWAHATI- 22
ASSAM

VERSUS

1:THE STATE OF ASSAM and 5 ORS.
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM, ASSAM
SECRETARIAT, DISPUR, GUWAHATI-6.

2:THE COMMISSIONER and SECRETARY TO THE GOVT. OF ASSAM
AGRICULTURE DEPTT.
DISPUR
GUWAHATI- 781006.

3:THE ASSAM PUBLIC SERVICE COMMISSION
REPRESENTED BY ITS DEPUTY SECRETARY
JAWAHAR NAGAR
KHANAPARA
GUWAHATI-22.

4:THE COMMISSIONER and SECRETARY
PERSONNEL DEPTT.
GOVT. OF ASSAM
DISPUR
GUWAHATI-6.

5:SRI DHIRENDRA NATH KALITA
PRESENTLY SERVING AS PROGRAMME COORDINATOR
KRISHI VIGYAN KENDRA
KAHIKUCHI
GUWAHATI-15.

6:DR. SUNIL KUMAR PATHAK
C/O. TOCKLAI RESEARCH ASSOCIATION
TOCKLAI
JORHAT
ASSAM

Advocate for the Petitioner : MR.N BARUAH

Advocate for the Respondent : MISS. A BARUAH (R5)

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 20-02-2019

The petitioners' grievance is that their applications for filling up the post of Director of Agriculture have been rejected at the threshold by the Assam Public Service Commission (APSC), on the ground that they do not have the requisite experience to be considered for the said posts.

The advertisement dated 17.06.2016 issued by the APSC requires the candidates who applied for the post of Director of Agriculture to have "(c) *Experience in Administration of Agriculture in a senior post at least for 8 years (Not below the rank of Deputy Director of Agriculture or equivalent rank)*".

The corrigendum to the advertisement dated 17.06.2016 did away with the word "Not below the rank of Deputy Director of Agriculture or equivalent rank". Thus, the question that has to be decided in this writ petition is whether the petitioners have the experience in administration of agriculture in a senior post and whether the post they were holding prior to their promotion as Joint Director, i.e., Agriculture Extension Officer can be said to be a senior post.

The affidavit submitted by the Government and the APSC does not give any indication as to whether the post of Agriculture Extension Officer is a senior post.

In the writ petition filed by one Timothy Hanse (Das), who was working as an Agriculture Extension Officer in the Department of Agriculture, Government of Assam, this Court has, at para 12 of the order dated 29.11.2010 passed in WP(C) No. 6115/2010, held as follows:-

"The certificates dated 13.11.2010 of the Director of Agriculture in favour of the petitioner affirming his required length of experience in administration of agriculture at various capacities in a senior post include his office as Agricultural Extension Officer and Assistant Horticulturist (Junior S.M.S.) as well. Though the eligibility of the petitioner is not

an aspect under scrutiny, on a comparison of the posts and the duties relatable thereto as discharged by both the incumbents, the plea of absence of essential length of experience of the respondent No. 7 in administration of agriculture in a senior post does not commend for acceptance.”

A perusal of the above extract of the order dated 29.11.2010 passed in WP(C) No. 6115/2010 suggests that this Court had held a senior post in the Agriculture Department to include the post of Agriculture Extension Officer.

At this stage, Mr. D Nath, learned counsel for the State Government prays for a day's time to obtain instructions in this matter.

Accordingly, list the matter on ***22nd of February, 2019.***

JUDGE

Comparing Assistant