

GAHC010193512017



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

**Case No. : WP(C) 1217/2017**

1:TAPAN KUMAR DAS and ANR.  
S/O LT. JOGENDRA CHANDRA DAS R/O ALAKANANDA APARTMENT,  
JOYANAGAR, KHANAPARA, GUWAHATI -22, ASSAM

2: MALEKUR RAHMAN  
S/O LT. KHAIRUR RAHMAN R/O ASHB HOUSING COLONY  
BHETAPARA CHARIALI  
GUWAHATI -38  
ASSAM

VERSUS

1:THE STATE OF ASSAM and 3 ORS.  
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,  
PERSONNEL B DEPARTMENT, DISPUR, GUWAHATI -6.

2:THE ASSAM PUBLIC SERVICE COMMISSION  
REP. BY ITS CHAIRMNA  
JAWAHARNAGAR  
KHANAPARA  
GUWAHATI -22.

3:THE SECRETARY  
ASSAM PUBLIC SERVICE COMMISSION  
JAWAHARNAGAR  
KHANAPARA  
GUWAHATI -22.

4:THE COMMISSIONER and SECRETARY  
DEPARTMENT OF FINANCE  
ASSAM  
DISPU

**Advocate for the Petitioner : MR.A CHETRY**

**Advocate for the Respondent : GA, ASSAM**

**BEFORE  
HONOURABLE MR. JUSTICE N. KOTISWAR SINGH**

**ORDER**

**Date : 17-05-2019**

Heard Mr. U. K. Nair, learned senior counsel, assisted by Mr. A. Chetry, learned counsel for the petitioners. Also heard Mr. S. S. Roy, learned Govt. Advocate for the State as well as Mr. R. K. Talukdar, learned standing counsel for the APSC.

2) In this petition, the petitioners have challenged certain notification issued on 20.01.2011 by State, which denies promotion to the cadre of Senior Research Officer from the eligible Staff and the Research Service of the Assam Public Service Commission.

3) In this connection, it has been submitted that the relevant service rules are being examined and Assam Public Service Commission had made the necessary recommendation and the same has been forwarded to the State Govt. for their approval.

4) It has been submitted that once the said draft proposal is approved by the State Govt., the case of the petitioners can be considered.

5) In that view of the above, the present petition is disposed of with the direction to the respondent authorities to examine the said draft proposal submitted by the Assam Public Service Commission and take decision thereon, and if the said draft is approved by the State Govt., and if the petitioners are found to be eligible under the said rules, the case of the petitioners will accordingly be decided in accordance with law for promotion to the post of Senior Research Officer and Research Officer respectively.

6) The aforesaid exercise of considering approval of the draft service rules be completed within a period of two months from the date of receipt of certified copy of this order, and thereafter, upon approval necessary consideration for promotion to the aforesaid posts would be made within a period of one month.

7) Copy of this order may be furnished to the learned counsel for the parties.

**JUDGE**

**Comparing Assistant**