

GAHC010158412020



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

**Case No. : WP(C)/4719/2020**

LEENA DOLEY AND 6 ORS.  
D/O- SURJYA KANTA DOLEY, R/O- L.K. PATH, BISHNUJYOTI NAGAR,  
JORHAT, DIST.- JORHAT, ASSAM, PIN- 785001, ROLL NO. 1502960

2: NEELANJANA DAS  
D/O- LT. SATYENDRA NATH DAS  
R/O- KAHILIPARA  
GHY-19  
DIST.- KAMRUP (M)  
ASSAM  
ROLL NO. 1006312

3: SANDHYA BANTI DUTTA BORAH  
D/O- DR. D. DUTTA  
R/O- WARD NO. 1  
AMGURI TOWN  
STATION ROAD  
DIST.- SIBSAGAR  
ASSAM  
PIN- 785680  
ROLL NO-1019960

4: MANAS PRATIM MIRI  
S/O- HEM CHANDRA MIRI  
R/O- KALAPAHAR  
GHY- 18  
DIST.- KAMRUP (M)  
ASSAM  
ROLL NO. 1018481

5: JYOTISH NATH  
S/O- TANKESWAR NATH  
R/O- BAMUNJHAR  
DARRANG

DIST.- DARRANG  
ASSAM  
PIN- 784148  
ROLL NO. 1001712

6: ASRAFUL HUSSAIN  
S/O- ANOWAR HUSSAIN  
R/O- ZOO NARENGI ROAD  
SAHAB TILA  
GHY-21  
DIST.- KAMRUP (M)  
ASSAM  
ROLL NO. 1011702

7: ABHIJIT RONGPI  
S/O- BHARATI RONGPI  
R/O- LALMATI  
BARSAJAI  
GHY-29  
DIST.- KAMRUP (M)  
ASSAM  
ROLL NO. 101375

VERSUS

THE STATE OF ASSAM AND 4 ORS.  
REP. BY THE CHIEF SECY. TO THE GOVT. OF ASSAM, DISPUR, GHY-06

2: THE ASSAM PUBLIC SERVICE COMMISSION  
REP. BY ITS CHAIRMAN  
JAWAHAR NAGAR  
GHY-22

3: THE SECRETARY  
ASSAM PUBLIC SERVICE COMMISSION  
JAWAHAR NAGAR  
KHANAPARA  
GHY-22

4: THE PRINCIPAL CONTROLLER OF EXAMINATIONS  
ASSAM PUBLIC SERVICE COMMISSION  
JAWAHAR NAGAR  
KHANAPARA  
GHY-22

5: THE CONTROLLER OF EXAMINATIONS  
ASSAM PUBLIC SERVICE COMMISSION  
JAWAHAR NAGAR

KHANAPARA  
GHY-2

**Advocate for the Petitioner** : MR. B D KONWAR SR. ADV.

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

**BEFORE**  
**HONOURABLE MR. JUSTICE MANOJIT BHUYAN**

**ORDER**

**Date : 17.11.2020**

Heard Mr. B. D. Konwar, learned senior counsel, representing the petitioners as well as Mr. D. Nath, learned counsel for respondent No. 1. Also heard Mr. T. J. Mahanta, learned senior counsel, representing the respondent Assam Public Service Commission (APSC).

The primary prayer made in the writ petition is for a direction to the respondent APSC to undertake an exercise to rectify the list of candidates who are shown to have qualified in the Combined Competitive (Mains) Examination, 2018, for appearance in the *viva voce*. Prayer is also made that while undertaking the said exercise, the respondent APSC to take out the names of the 80 candidates, who have been allowed to sit in the Mains Examination without having qualified in the Preliminary Examination. A further prayer is made for a direction to include the 7 petitioners herein in the rectified list and allow them to appear in the *viva voce* test.

Without any dispute, the 7 petitioners have not qualified in the Combined Competitive (Mains) Examination, 2018. In this situation, the point for determination would be as to whether the petitioners can claim to be included in any list showing them as qualified to appear in the *viva voce* test.

Mr. Mahanta, on the other hand, submits that the writ petition is inherently defective, inasmuch as, going by the prayer, the said 80 persons are not impleaded as party respondents in the case. Further, the petitioners not having qualified in the Combined Competitive (Mains) Examination, cannot seek a writ in the nature of mandamus for a

direction to allow them to appear in the *viva voce* test.

Let Notice be issued.

No fresh steps are required to be taken as all the respondents are represented. However, extra copies of the writ petition be served upon the counsel representing the respondents.

Having regard to the issues raised, it would be imperative for the respondent APSC to respond to the writ petition.

Let this matter be listed after two weeks along with WP(C) 3228/2019.

Heard on the interim prayer.

Needless to say that the answer scripts of the 7 petitioners shall be preserved in strict terms of Rule 17 of the *Assam Public Service Commission (Procedure and Conduct of Business) Rules, 2010*.

**JUDGE**

**Comparing Assistant**