GAHC010246412018

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

Case No. : WP(C) 7703/2018

1:ABHISHEK SHARMA AND 11 ORS.
S/O- SRI BINOY KRISHNA SHARMA, R/O- HARINDRA DAIMARY,
SHIVNAGAR PATH, H.NO. 57, GHORAMARA, BELTOLA, GHY- 28,
DIST- KAMRUP (M)

2: PUSPANALI BORAH
D/O- SRI GAJEN BORAH
R/O- P.O. DHALPUR
P.S. NARAYANPUR, DIST- LAKHIMPUR, ASSAM

3: CHAPLINE TAYE
D/O- LT SITARAM TAYE
R/O- H.NO. 67
NEAR DAILY MARKET
SILAPATHAR
DHEMAJI, DIST- DHEMAJI, PIN- 787059

4: DEBOIT DOLEY
S/O- SRI HARI CHANDRA DOLEY
DAKHINGAON
KAHILIPARA, GHY, PIN- 781019

5: SACHIN DUTTA
S/O- GANEN DUTTA
R/O- VILL- SHINGRA
P.O. GARARTARI, DIST- BARPETA, PIN- 781311

6: MUKLESHWAR RAHMAN
S/O- MR. LUTFUR RAHMAN
R/O- AMBARI
LILA BARUAH PATH
NEAR AGP OFFICE
GHY, PIN- 781001

7: ALI HUSSAIN
S/O- LT ABDUL JABBAR
R/O- VILL- OUDUBI
P.O. KHELUAPARA, P.S. JOGIGHOPA
DIST- BONGAIGAON, PIN- 783371

8: DINESH KUMAR RAUT
S/O- SRI LAKHAN RAUT
R/O- 108/A
B.K.KAKATI ROAD
ULUBARI
GHY, DIST- KAMRUP (M), PIN- 781007

9: PARTHA PRATIM DAS
S/O- SRI G.R.DAS
R/O SMRITI LANE
NATIONAL HIGHWAY
H.NO. 118
WARD NO. 17, SILCHAR, PIN- 788005

10: AMITABH CHOUDHURY
S/O- TARUN CHANDRA CHOUDHURY
R/O- P.O. BHAWANIPUR
VILL- BHAWANIPUR, DIST- BARPETA, PIN- 781352

11: AJANTA CHOUDHURY
D/O- TARUN CHANDRA CHOUDHURY
R/O- P.O. BHAWANIPUR
VILL- BHAWANIPUR, DIST- BARPETA, PIN- 781352

12: BHASKAR BARUA
S/O- LT MAHENDRA BARUAH
R/O- VILL- UPAHUPARA
COLLEGE ROAD
P.O. AND P.S. MANGALDOI, DIST- DARRANG, PIN- 78412

VERSUS

1:THE STATE OF ASSAM AND 5 ORS.
REP. BY THE CHIEF SECY. TO THE GOVT. OF ASSAM, DISPUR, GHY-6

2:THE ASSAM PUBLIC SERVICE COMMISSION
REP. BY ITS SECY.
BHANGAGARH
G.S.ROAD, GHY-5

3:THE CHAIRMAN
ASSAM PUBLIC SERVICE COMMISSION
JAWAHARNAGAR
KHANAPARA, GHY-22

4:THE SECY.
ASSAM PUBLIC SERVICE COMMISSION
JAWAHARNAGAR
KHANAPARA, GHY-22

5:THE PRINCIPAL CONTROLLER OF EXAMINATIONS
ASSAM PUBLIC SERVICE COMMISSION
JAWAHARNAGAR
KHANAPARA, GHY-22

6:THE STATE PUBLIC INFORMATION OFFICER
ASSAM PUBLIC SERVICE COMMISSION
JAWAHARNAGAR
KHANAPARA, GHY-2

Advocate for the Petitioner : MR A C BORBORA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE N. KOTISWAR SINGH

ORDER

Date : 14-11-2018

Heard Mr. A.C. Borbora, learned senior counsel for the petitioners.

Issue notice, returnable within 4 (four) weeks.

Mr. S.S. Roy, learned Junior Govt. Advocate accepts notice on behalf of respondent No. 1 and Mr. C. Baruah, learned Standing Counsel, APSC accepts notice on behalf of the remaining respondents.

The petitioners have raised various allegations of irregularities committed by the Assam Public Service Commission in conducting the Combined Competitive Examination (Mains) pursuant to the advertisement dated 30.12.2016 and violation of APSC (Procedure and Conduct of Business) Rules, 2010. Accordingly, the 12 (twelve) petitioners have sought for stay of the further recruitment process initiated under the aforesaid advertisement.

This Court is of the view that instead of staying the recruitment process, it would serve the interest of the petitioners if it is provided that the appointments made pursuant to the advertisement more particularly, with reference to the posts to which the petitioners have applied are made subject of result of the petition. In other words, appointments if any to be made to the advertised posts to which the petitioners had also applied, may be liable to be interfered with by this Court in the event, the petitioners are successful in this petition for which the petitioners will also inform the APSC of the specific posts to which they had applied for or had opted or had given their preference .

Learned senior counsel for the petitioners further submits that considering the nature of the case, it would be necessary for preserving the Answer Scripts in respect of all the successful candidates as well as the petitioners and be kept under safe custody of the ASPC and be not destroyed. It is ordered accordingly and the Principal Controller will be responsible for safe custody of the Answer Scripts.

JUDGE

Comparing Assistant