

WP(C) 7555/2017

BEFORE

HON'BLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

Heard Mr. S.Saikia, learned counsel for the petitioner, Mr. T.C Chutia, learned Additional Senior Government Advocate and Mr. C. Baruah, learned Standing Counsel for APSC.

The petitioner is aggrieved by the provision of an advertisement No.1/2017 of the APSC, by which, amongst others, five posts of Senior Scientific Officer in the Directorate of Forensic Science, Assam, Kahilipara had been advertised.

In the advertisement, all the posts had been advertised to be for unreserved candidates.

It is the case of the petitioner that this is the first direct recruitment in the cadre and therefore, when the roster is made applicable, the five posts advertised would be the first five posts in the roster. The learned counsel for the petitioner also refers to the recruitment rules, which provides for the cadre structure and the cadre of Senior Scientific Officer is provided in the order of Chemistry, Toxicology, Biology, Serology, Physics, Ballistics, Question Document Division, Photography etc. It is the contention of the learned counsel for the petitioner that in order to apply the roster, the said sequence of depiction of the post in the cadre of Senior Scientific Officer shall also have to be followed. Accordingly, the post of Senior Scientific Officer in Chemistry would be the first post and the said post would therefore be for the unreserved candidates inasmuch as in the roster system, the first three posts are kept for unreserved. Accordingly, the post of Senior Scientific Officer, Serology being the fourth post, the roster position for the fourth post shall also have to be applied.

It is noticed that the roster system provides that the fourth post be reserved for OBC candidates and therefore, the post of Senior Scientific Officer, Serology also has to be recruited from amongst the OBC candidate.

In the aforesaid premises, when the advertisement is noticed, it is seen that the post of Senior Scientific Officer, Serology has been kept for the unreserved candidate.

In such view of the matter, this Court is of the prima facie view that the roster system provided in the appendix to Annexure-IV to the Assam Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Rules, 1983 had not been followed. This court is also of the view that the balance of convenience is also in favour of the petitioner and an irreparable loss would be suffered by the petitioner, if the selection process pursuant to the said advertisement in respect of the post of Senior Scientific Officer, Serology is allowed to continue any further.

In view of the above, it is directed that in the interim, further selection procedure pursuant to the advertisement No.1/2017 in respect of the post of Senior Scientific Officer, Serology Division shall not be proceeded any further.

Issue notice of motion returnable in four weeks.

As all the respondents are duly represented by their learned respective counsel, no formal notice is required to be issued. However, extra copies of the writ petition be furnished to the learned respective counsel within three days.

List the matter after four weeks.