

GAHC010080442020



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

**Case No. : WP(C)/2439/2020**

ABDUL MANNAN  
S/O. ABDUL SALAM, R/O. BORIGAON, P.O. DANDUA, DIST. MORIGAON,  
ASSAM, PIN-782104.

VERSUS

ASSAM PUBLIC SERVICE COMMISSION AND 4 ORS.  
REP. HEREIN BY ITS CHAIRMAN, JAWAHAR NAGAR, KHANAPARA,  
GUWAHATI, KAMRUP (M), ASSAM-781006.

2:SELECTION COMMITTEE (APSC)

(FORMED FOR THE PURPOSE OF APPOINTMENT OF FISHERY  
DEVELOPMENT OFFICER)  
JAWAHAR NAGAR  
KHANAPARA  
GUWAHATI  
KAMRUP (M)  
ASSAM  
PIN-781006.

3:COMMISSIONER AND SECRETARY  
TO THE GOVT. OF ASSAM  
DEPTT. OF FISHERIES (GOVT. OF ASSAM)  
DISPUR  
JANATA BHAWAN  
DISPUR  
PIN-781006  
GUWAHATI (M)  
ASSAM.

4:ABDUL AZIZ

S/O. MOINUL HOQUE  
BHAKATGAON  
P.O. SHILLONGONI  
PIN-782002  
NAGAON  
ASSAM.

5:UTPAL KALITA  
MS FISHERIES  
DIRECTORATE OF FISHERIES  
APART CELL  
MEEN BHAWAN  
GUWAHATI  
KAMRUP (M)  
PIN-781006  
ASSAM

**Advocate for the Petitioner** : MR. S CHAMARIA

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

**BEFORE**  
**HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

**ORDER**

**Date : 06-12-2021**

Heard Mr. S. Chamaria, learned counsel for the petitioner. Mr. D. Nath, learned counsel appearing for the respondent No.3, Mr. T.J. Mahanta, learned counsel appears for the respondents No.1 & 2 and Mr. D.P. Borah, learned counsel appears for the respondents No.4 & 5.

2. The respondent APSC issued advertisement No. 08/2019 dated 30.12.2019 for filling up 12 (twelve) numbers of posts of Fishery Development Officer (FDO), wherein 2 (two) posts under the category of Persons with Disability (PWD) were reserved for Locomotor Disability. The matter relates to selection and appointment to those two posts by persons with disability.

3. It is contended by the petitioner that following a road traffic accident, he is having 40% disability in his left ankle (bimalleolar fracture dislocation of left ankle) and the District Level Medical Board, Morogoaon on 17.06.2010 issued necessary certificate to him in that regard. Petitioner's case is that though he participated in the selection process of FDO under the quota of Locomotor Disability in terms of the said advertisement dated 30.12.2019 and performed well in it, the respondents selected the respondent Nos. 4 and 5 without considering his candidature in the proper perspective.

4. Only three candidates i.e. the petitioner and the respondent Nos. 4 and 5 applied under the PWD Locomotor Disability category.

5. From the records placed before the Court by the APSC, it is seen that 10 (ten) marks was allotted for High School Leaving Certificate (Class-10 passed examination), 15 marks for Higher Secondary School Leaving Certificate (10+2 passed examination), 25 marks for Bachelor of Fishery Science/DFS/MFS, 25 marks for General BA and 25 marks for Knowledge of Subjects and in the said process of selection, the respondent No. 4 secured 71.70 marks out of 100 total marks. The respondent No. 5 secured 75.49 marks out of 100 total marks, whereas the petitioner secured 65.6 marks out of 100 total marks

6. Mr. D. Nath, learned counsel has produced the original records/documents with respect to the respondents No.4 and 5 and on perusal of the same it is found that the respondent No.4 is suffering from locomotor disability of 45%. The respondent No.5 is suffering from locomotor disability of 40%. Further the respondents No.4 and 5 have secured better marks in the selection process than the petitioner. Thus this Court finds that there is no ground to interfere with the

selection and appointment of the respondents No.4 and 5.

Writ petition is accordingly dismissed.

**JUDGE**

**Comparing Assistant**