

GAHC010187812020



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

**Case No. : WP(C)/28/2021**

BONDITA BORAH  
D/O GOBIN CHANDRA BORAH  
RESIDENT OF VILLAGE CHETIAGAON, WARD NO/ 5, PO AND PS NORTH  
LAKHIMPUR, DIST LAKHIMPUR, ASSAM 787001

VERSUS

THE STATE OF ASSAM AND 2 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM, DEPARTMENT OF PERSONNEL (B) DISPUR GUWAHATI 781006

2:THE ASSAM PUBLIC SERVICE COMMISSION  
REPRESENTED BY THE CHAIRMAN  
JAWAHARNAGAR  
KHANAPARA  
GUWAHATI 781022

3:THE CHAIRMAN  
ASSAM PUBLIC SERVICE COMMISSION  
JAWAHARNAGAR  
KHANAPARA  
GUWAHATI 78102

**Advocate for the Petitioner :**

**Advocate for the Respondent :** SC, PERSONNEL DEPT.

Linked Case : WP(C)/5169/2020

NAVIN KUMAR RAY  
S/O RAM UDGAR RAY

VILLAGE AGBANDHA SAIDING

PO AGBANDHA BENGALI GAON  
PS MARGHERITA

DIST TINSUKIA  
ASSAM 786187

VERSUS

THE STATE OF ASSAM AND 4 ORS.  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM  
PERSONNEL (A) DEPARTMENT  
DISPUR GUWAHATI 781006

2:THE ASSAM PUBLIC SERVICE COMMISSION  
REPRESENTED BY ITS CHAIRMAN JAWAHARNAGAR  
KHANAPARA  
GUWAHATI ASSAM 781022

3:THE SECRETARY  
THE ASSAM PUBLIC SERVICE COMMISSION  
KHANAPARA  
GUWAHATI  
ASSAM 781022

4:THE JOINT SECRETARY  
THE ASSAM PUBLIC SERVICE COMMISSION  
KHANAPARA  
GUWAHATI  
ASSAM 781022

5:THE PRINCIPAL CONTROLLER OF EXAMINATIONS

THE ASSAM PUBLIC SERVICE COMMISSION  
KHANAPARA  
GUWAHATI  
ASSAM 781022

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Advocate for : MR. S BANIK

Advocate for : SC

APSC appearing for THE STATE OF ASSAM AND 4 ORS.

Linked Case : WP(C)/5248/2020

BONANI PRIYA RAJKONWAR  
D/O- JAYANTA RAJKONWAR  
PRESENT R/O- H.NO. 19  
BYE LANE NO. 3  
BISHNUJYOTI PATH  
HATIGAON

KAMRUP (M)  
ASSAM  
PIN- 781038  
PERMANENT R/O- H.NO. 91  
VILL- RONGCHANGI  
OPP. RONGCHANGI MINI PHC  
DIBRUGARH  
ASSAM  
PIN- 786184

VERSUS

THE STATE OF ASSAM AND 4 ORS  
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM  
PERSONNEL (A)  
DISPUR  
GHY-6  
DIST.- KAMRUP (M)  
ASSAM

2:THE PRINCIPAL SECRETARY  
GOVT. OF ASSAM  
PERSONNEL (A)  
DEPTT.  
DISPUR  
GHY-6  
DIST.- KAMRUP (M)  
ASSAM

3:THE ASSAM PUBLIC SERVICE COMMISSION  
REP. BY ITS CHAIRMAN  
JAWAHARNAGAR  
KHANAPARA  
GHY-22  
DIST.- KAMRUP (M)  
ASSAM

4:THE SECRETARY  
ASSAM PUBLIC SERVICE COMMISSION  
JAWAHARNAGAR  
KHANAPARA  
GHY-22  
DIST.- KAMRUP (M)  
ASSAM

5:THE JOINT SECRETARY  
ASSAM PUBLIC SERVICE COMMISSION  
JAWAHARNAGAR  
KHANAPARA  
GHY-22

DIST.- KAMRUP (M)  
ASSAM

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Advocate for : MR F KHAN

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND 4 ORS

**- B E F O R E -**

**HON'BLE THE CHIEF JUSTICE MR. SUDHANSHU DHULIA**

**HON'BLE MR. JUSTICE MANASH RANJAN PATHAK**

**02-09-2021**

These matters are taken up through video conferencing.

Heard Mr. S.S. Saikia, learned counsel for the petitioner in WP(C) No.28/2021; Mr. S. Banik, learned counsel for the petitioner in WP(C) No.5169/2020 and Mr. F. Khan, learned counsel for the petitioner in WP(C) No.5248/2020. Also heard Mr. D. Saikia, learned Advocate General, Assam and Mr. T.J. Mahanta learned Standing Counsel, APSC for the respondents.

After hearing the learned counsel for the petitioners and the learned Advocate General, Assam, we are of the considered view that those candidates who did not have any of the three languages (Assamese, Bodo and Bengali) in their High School and have been given exemption from appearing in the language paper in the preliminary examination, such as candidates belonging to Cachar, Karimganj, Hailakandi and the 6<sup>th</sup> Schedule areas, should be represented before this Court at least in their representative capacity. The State Government shall, therefore, make proper publication in at least two daily newspapers having wide circulation in the State of Assam so that they may be aware of these proceedings and be parties to the writ petitions. Meanwhile, the Secretary, APSC shall also

inform such candidates so that they can put in their appearance before this Court.

List again on **4<sup>th</sup> October, 2021.**

Meanwhile, we make it very clear that the preliminary examination shall go on as scheduled.

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**