
(2023) 07 GAU CK 0024

In the Gauhati High Court

Case No : Writ Petition (Civil) No. 4649, 4667 Of 2014

Ramila Boro

APPELLANT

Vs

Union Of India And 4 Ors

RESPONDENT

Date of Decision : 18-07-2023

Acts Referred:

Citation : (2023) 07 GAU CK 0024

Hon'ble Judges : Devashis Baruah, J

Bench : Single Bench

Advocate : A. Barkataki, R S Chauhan, M K Choudhury

Final Decision : Disposed Of

Judgement

1. The facts involved in both the writ petitions being paramateria and the issue involved are common, both the writ petitions are taken up for disposal by this common judgment and order.

2. On 21st of February, 2013 an advertisement was published in the vernacular Assamese daily "Asomiya Pratidin" which was followed by another corrigendum issued on 16th of March, 2013 for appointment of distributorship under the Rajiv Gandhi Gramin L.P.G. Vitrak (RGGLV) Scheme of the Indian Oil Corporation at different locations including Dwarkuchi under Tamulpur Block, district-Baska, Assam which was specifically reserved for ST category only.

3. The Petitioners in W.P.(C) No.4649/2014 and W.P.(C) No.4667/2014 alongwith the private Respondent submitted their applications. The candidates thereupon were asked to be present on the occasion of draw of lots for selection of the RGGLV to be held on 23.08.2013 at Satyanath Bora Hall, Dighalipukhuri East, Taibullah Road, near Cotton College Girl's Hostel, Guwahati. In the said draw of lots, the private Respondent i.e. Tapan Lahkar was selected as a dealer/distributorship in RGGLV scheme for the location of Dwarkuchi in the district of Baska which is reserved for ST category. The Petitioners in both the writ petitions have assailed the selection of the private Respondent, Tapan Lahkar on the

ground that he does not belong to the ST category in the State of Assam.

4. It appears on record that the Respondent Nos. 2, 3 & 4 i.e. the Indian Oil Corporation have filed their affidavit-in-opposition in W.P.(C) No. 4667/2014. In the said affidavit-in-opposition, it has been mentioned that the private Respondent i.e. Tapan Lakhar had submitted the copy of the ST Certificate issued by the competent authority alongwith his application which was verified subsequent to the draw of lots as per the policy and was found to be in order. It was also mentioned that by an Office Order bearing No. TAD/BC/855/2013/113 dated 4.8.2014, the Department of Welfare of Plain Tribe and Backward Classes, Government of Assam had declared that the private Respondent i.e. Tapan Lakhar falls within the category of ST(Boro-Kachari).

5. Taking into account the specific stand of the Respondent Nos. 2, 3 and 4 in their affidavit-in-opposition and also upon a perusal of the Office Order dated 4th of August,2014, this Court is of the opinion that as the private Respondent belongs to the ST category and the only basis on which the writ petitions have been filed i.e. the private Respondent does not belong to the ST category, is totally misconceived, this Court does not find any merits in both the writ petitions and accordingly, both the writ petitions stand dismissed.

6. Pending application, if any, stands disposed off.