

(2022) 11 GAU CK 0021

In the Gauhati High Court

Case No : Writ Petition (Civil) No. 3793 Of 2020

Ranju Das

APPELLANT

Vs

State Of Assam And 6 Ors

RESPONDENT

Date of Decision : 07-11-2022

Acts Referred:

Citation : (2022) 11 GAU CK 0021

Hon'ble Judges : Achintya Malla Bujor Barua, J

Bench : Single Bench

Advocate : S Khataniar

Final Decision : Allowed

Judgement

1. Heard Ms. S Khataniar, learned counsel for the petitioner, Mr. SM Hasan, learned counsel for the respondents No. 1, 4 and 6 being the authorities in the PHED, Mr. JK Goswami, learned Additional Senior Government Advocate for the respondents No. 2, 3 and 5 being the authorities in the Social Welfare Department of the Government of Assam and Mr. A Mannaf, learned counsel for the respondent No. 7.

2. The petitioner was called for an interview as per the call letter dated 15.06.2005 by the District Social Welfare Officer, Barpeta district for a post of Grade-IV, conducted by the office of the District Social Welfare Officer against backlog vacancies for Grade-IV under the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. Pursuant to the said selection, a district wise merit list of orthopaedic handicapped candidate for Grade-IV post was published department wise and in respect of PHED, it was provided that one post in the office of the Chief Engineer, PHED is available. For the said post, a select list of four candidates in order of merit was published, wherein the petitioner Ranju Das having secured 88 marks was placed at serial No. 1 and another candidate Bonomali Das having secured 81 marks was placed at serial No. 3.

3. A stand is taken by the respondents in the PHED that about 106 plus 07 other persons instituted two writ petitions WP(C) No. 1424/2011 and WP(C) No. 3994/2011 seeking for interfering with a Final State Level select list dated 15.02.2011 issued by the Director of Social Welfare, Assam. The said writ petitions were given a final consideration by the order dated 23.04.2015, wherein a direction was given to the respondent authorities to appoint the petitioners of the said two writ petitions in available vacancies related to a recruitment drive carried out in the year 2005.06. It was further provided that in view of the mandate of the Persons with Disabilities Act, all the concerned Administrative departments shall cooperate with the Social Welfare Department in ensuring that the writ petitioners are suitably accommodated against identified post in respective departments.

4. Mr. SM Hasan, learned counsel for the respondents in the Social Welfare Department states that the said order of this Court dated 23.04.2015 in the aforesaid two writ petitions depicted that there were some anomalies in the selection.

5. We have not noticed about any such conclusion of anomalies in the aforesaid order dated 23.04.2015. All that the Court had provided is that the writ petitioners therein be suitably accommodated against available vacant posts. The said provision by itself cannot mean that the select list prepared by the District Social Officer in respect of one post in the office of the Chief Engineer, PHED wherein the petitioner was the candidate at serial No. 1 in order of the merit was interfered in any manner.

6. As no materials have been produced that the said select list had either been recalled or interfered in any manner, we direct the respondents in the PHED and the Social Welfare Department to conjointly ensure that the select list at Annexure-B page 15 to the writ petition whereby the petitioner was selected at serial No. 1 for the one post in the office of the Chief Engineer, PHED is duly complied with and the petitioner be given the appropriate order of appointment. We have also taken note that by the interim order dated 13.09.2020, there was a provision that one post of Grade-IV in the PHED be kept vacant. For necessary compliance, the Social Welfare Department and the PHED may conjointly act on the matter and the needful be done within a period of three months from the date of receipt of a certified copy of this order.

The writ petition is allowed to the extent indicated above.