

(1991) 08 GAU CK 0001
In the Gauhati High Court
Case No : Civil Rule No. 3815 of 1991

Smt. Sumitra Saikia

APPELLANT

Vs

The State of Assam and Others

RESPONDENT

Date of Decision : 21-08-1991

Acts Referred:

Citation : (1991) 2 GLR 365

Hon'ble Judges : U.L. Bhatt, C.J;B.P. Saraf, J

Bench : Division Bench

Advocate : T.C. Khetri, for the Appellant;

Judgement

U.L. Bhat, C.J.—The Petitioner's name is included in the select list prepared by the Advisory Board concerned. It is for the Deputy Inspector of Schools to appoint the Petitioner for the post of primary School teacher.

2. Her grievance is that notwithstanding the fact that she is in the case list. She is not being appointed by the appointing authority. Identical cases came up for consideration in Civil Rule 2160/90 and connected cases. The batch of cases were disposed of by a considered judgment dated 10.1.1991. The operative part of the judgment read thus:

We direct the State Government and its authorities not to appoint any other person till such time the above lists are exhausted in each of these constituencies. In other words, appointment from this day be made only in accordance with the serial numbers of the lists, having regard to the reservations to Scheduled Castes, Scheduled Tribes, Other Backward Classes the extant rules and regulations be complied in making the appointments.

3. We are of the opinion that the above judgment covers the case of the Petitioner also as she figures in the select list. The matter has been clarified by Mr. P. Prasad, learned Sr. Government Advocate, who stated that by virtue of the previous judgment only the persons included in the select list can be appointed and they will be to appointed.

4. We make it clear that the common judgment extracted above shall be strictly followed by the State Government and Its authorities shall take immediate steps to make appointments from the select list subject to availability of vacancies. The Petitioner find other persons in the select list will also be entitled to this benefit subject to availability of vacancies and of course, without any separate and specific order of this Court.

5. The Civil Rule is accordingly disposed of.