

GAHC010018442017



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

Case No. : WP(C) 1998/2017

1:MANASH PRATIM BARUAH
S/O- LATE KRISHNA KANTA BARUAH, R/O- KHUTI KATIA, KALANGPAR,
P.O AND P.S- HAIBARGAON, DIST- NAGAON, ASSAM, PIN- 782002,

VERSUS

1:THE STATE OF ASSAM and 4 ORS.
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT OF ASSAM,
DISPUR, GUWAHATI-781006

2:THE SECRETARY
GOVT OF ASSAM
DEPT. OF PERSONNELB
ASSAM SECRETARIAT
DISPUR
GUWAHATI-781006

3:THE ASSAM PUBLIC SERVICE COMMISSION
REPRESENTED BY ITS CHAIRMAN/CHAIRMAN-IN-CHARGE
JAWAHAR NAGAR
KHANAPARA
GUWAHATI- 781022

4:THE SECRETARY
ASSAM PUBLIC SERVICE COMMISSION
JAWAHARNAGAR
KHANAPARA
GUWAHATI- 781022

5:THE PRINCIPAL CONTROLLER OF EXAMINATION
ASSAM PUBLIC SERVICE COMMISSION
JAWAHARNAGAR
KHANAPARA
GUWAHATI-78102

Advocate for the Petitioner : MR.U B SARMA

Advocate for the Respondent : GA, ASSAM

BEFORE

HON'BLE THE CHIEF JUSTICE MR. AJJIKUTTIRA SOMAIAH BOPANNA

HON'BLE MR. JUSTICE ARUP KUMAR GOSWAMI

ORDER

25.03.2019

[A.S. Bopanna, CJ]

Heard Mr. S. Borthakur, learned counsel for the petitioner and Mr. C. Baruah, learned standing counsel, Assam Public Service Commission, appearing for respondent Nos.3, 4 and 5.

When the petition is taken up today, Mr. C. Baruah, learned standing counsel, APSC has brought to our notice the draft of the Assam Public Service Commission (Conduct of Business) Procedure, 2019 dated 21.02.2019. In that light, the learned counsel would submit that the observations made in the order dated 28.01.2019 is completed in as much as the Procedure is formulated.

Though such submission is made and we notice that the Procedure, 2019 referred to by the learned counsel would indicate that the same is in supersession of the earlier rules i.e. Assam Public Service Commission (Procedure and Conduct of Business) Rules, 2010, which is under challenge in the instant petition, there is no clarity as to whether the Procedure, 2019, which is said to be in supersession of the Rules, 2010 has been notified and has come into effect, though the Procedure, 2019 also indicates that it shall come into force on and from the 1st day of March, 2019.

Hence, the learned counsel for the respondent Nos.3, 4 and 5 to secure an appropriate affidavit to be filed by the competent authority clarifying the said position and to indicate as to whether the said Procedure, 2019 has been notified in supersession of the Rules, 2010. Such affidavit along with a copy of the Procedure, 2019 be filed within 10(ten) days.

List after 2(two) weeks.

Sd/-
JUDGE

Sd/-
CHIEF JUSTICE

Comparing Assistant