

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 (ACTING) MR. ARUP KUMAR GOSWAMI**

**HON'BLE MR. JUSTICE MANISH CHOUDHURY**

**ORDER**

**16.07.2019**

**[A.K. Goswami, CJ(Acting)]**

Heard Mr. S. Borthakur, learned counsel for the petitioner. Also heard Mr. T.C. Chutia, learned State counsel, appearing for respondent Nos.1 & 2 and Mr. C. Baruah, learned standing counsel, APSC, appearing for respondent Nos.3—5.

By this writ petition, the petitioner challenges the Assam Public Service Commission (Procedure and Conduct of Business) Rules, 2010.

The respondent Nos.3, 4 and 5 had filed an affidavit on 03.04.2019 stating that after repealing the Assam Public Service Commission (Procedure and Conduct of Business) Rules, 2010, a new set of procedures, named and styled as "Assam Public Service Commission (Conduct of Business) Procedure, 2019, are formulated and the same came into effect from 01.04.2019. It is also stated that the Assam Public Service Commission (Procedure and Conduct of Business) Rules, 2010, though styled as a Rule, was basically a procedure for smooth functioning of internal management and operation of affairs of the Commission.

Mr. Borthakur submits that in view of the above development, the present writ petition has been rendered infructuous. He submits that though the Assam Public Service Commission (Conduct of Business) Procedure, 2019 has taken care of many of the shortcomings present in Assam Public Service Commission (Procedure and Conduct of Business) Rules, 2010, liberty may be granted to challenge the aforesaid Assam Public Service Commission (Conduct of Business) Procedure, 2019, if need be.

In view of the above submission of Mr. Borthakur, this writ petition is closed as infructuous

reserving liberty to the petitioner to assail the Assam Public Service Commission (Conduct of Business) Procedure, 2019, if need be.

Sd/-  
**JUDGE**

Sd/-  
**CHIEF JUSTICE (ACTING)**

**Comparing Assistant**