

GAHC010109792019



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

Case No. : WP(C) 3228/2019

1:SYEDA MISHALI NAZA
D/O SYED ATIKUR RAHMAN, R/O AHMED APARTMENT, MILAN NAGAR-II,
NEAR E.COM TOWER, VIP, P.O. GUWAHATI AIRPORT, DIST.-KAMRUP(M),
ASSAM, PIN-781015

VERSUS

1:THE STATE OF ASSAM AND 3 ORS.
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM, DISPUR,
GUWAHATI-781006

2:THE ASSAM PUBLIC SERVICE COMMISSION
REP. BY ITS CHAIRMAN JAWAHAR NAGAR
GUWAHATI-781022

3:THE SECRETARY
ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPAR-781022

4:THE PRINCIPAL CONTROLLER OF EXAMINATIONS
ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPARA-78102

Advocate for the Petitioner : MR. P MAHANTA

Advocate for the Respondent : GA, ASSAM

Linked Case : WP(C) 3346/2019

1:ANGSHUMAN HAZARIKA
S/O- KULA DHAR HAZARIKA
R/O- H NO. 11
CHANDMARI
RAGHUNATH CHOUDHURY NAGAR
NEAR HOLY CHILD SCHOOL
P.O- SILPUKHURI
PIN- 781003
ASSAM

VERSUS

1:THE STATE OF ASSAM AND 3 ORS
REP. BY THE CHIEF SECRETARY TO THE GOVT OF ASSAM
DISPUR
GUWAHATI- 781006

2:THE ASSAM PUBLIC SERVICE COMMISSION
REP. BY ITS CHAIRMAN
JAWAHAR NAGAR
GUWAHATI- 781022

3:THE SECRETARY
APSC
JAWAHAR NAGAR
KHANAPARA- 781022

4:THE PRINCIPAL CONTROLLER OF EXAMINATIONS
APSC
JAWAHAR NAGAR
KHANAPARA
GUWAHATI- 781022

Advocate for the Petitioner : MR. P MAHANTA
Advocate for the Respondent : GA
ASSAM

Linked Case : WP(C) 3319/2019

1:PULAK DEKA
S/O- LT PRAFULLA DEKA
R/O- VILL- PATRAPUR
P.O. KENDUA
P.S. BAIHATA CHARIALI
PIN- 781121
DIST- KAMRUP
ASSAM

VERSUS

1:ASSAM PUBLIC SERVICE COMMISSION AND 4 ORS.
JAWAHAR NAGAR
KHANAPARA
GHY-22
REP. BY ITS CHAIRMAN

2:THE CHAIRMAN
ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPARA
GHY-22

3:THE SECRETARY
ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPARA
GHY-22
REP. BY ITS CHAIRMAN

4:THE PRINCIPAL CONTROLLER OF EXAMINATION
ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPARA
GHY-22

5:THE CONTROLLER OF EXAMINATIONS
ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPARA
GHY-22

Advocate for the Petitioner : MR. D GOSWAMI
Advocate for the Respondent : SC
APSC

Linked Case : WP(C) 3376/2019

1:KHALEDA ANAM
D/O- KHAIRUL ANAM
R/O- H NO. 634
WARD NO.2
MANGALDAI
SANTIPUR
NEAR VETY STATE HOSPITAL
P.O- MANGALDAI
PIN- 784125
DIST- DARRANG
ASSAM

VERSUS

1:THE STATE OF ASSAM AND 3 ORS
REP. BY THE CHIEF SECRETARY TO THE GOVT OF ASSAM
DISPUR
GUWAHATI- 781006

2:THE ASSAM PUBLIC SERVICE COMMISSION
REP. BY ITS CHAIRMAN
JAWAHAR NAGAR
GUWAHATI- 781022

3:THE SECRETARY
APSC
JAWAHAR NAGAR
KHANAPARA- 781022

4:THE PRINCIPAL CONTROLLER OF EXAMINATIONS
APSC
JAWAHAR NAGAR
KHANAPARA
GHY- 22

Advocate for the Petitioner : MR. P MAHANTA
Advocate for the Respondent : GA
ASSAM

Linked Case : WP(C) 3229/2019

1:SAUMYANIL BARUAH
SON OF DEBAJIT BARUAH
RESIDENT OF D/S-C 61
ASSAM GAS COMPANY LIMITED
DULIAJAN
DIST.- DIBRUGARH
PIN- 786602
ASSAM.

VERSUS

1:THE STATE OF ASSAM AND 3 ORS.
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
DISPUR
GUWAHATI-781006

2:THE ASSAM PUBLIC SERVICE COMMISSION
REP. BY ITS CHAIRMAN JAWAHAR NAGAR
GUWAHATI-781022

3:THE SECRETARY
ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPAR-781022

4:THE PRINCIPAL CONTROLLER OF EXAMINATIONS
ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPARA-781022

Advocate for the Petitioner : MR. P MAHANTA
Advocate for the Respondent : GA
ASSAM

Linked Case : WP(C) 3230/2019

1:JITUL CHUTIA
S/O. JOYCHANDRA CHUTIA
R/O. UJJALPUR
P.O. LILAPUR
P.S. NORTH LAKHIMPUR
DIST. LAKHIMPUR
PIN-787051
ASSAM.

VERSUS

1:THE STATE OF ASSAM AND 3 ORS.
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
DISPUR
GUWAHATI-781006

2:THE ASSAM PUBLIC SERVICE COMMISSION
REP. BY ITS CHAIRMAN JAWAHAR NAGAR
GUWAHATI-781022

3:THE SECRETARY
ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPAR-781022

4:THE PRINCIPAL CONTROLLER OF EXAMINATIONS
ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPARA-781022

Advocate for the Petitioner : MR. P MAHANTA
Advocate for the Respondent : GA
ASSAM

Linked Case : WP(C) 3368/2019

1:NIVEDITA SAIKIA
D/O- BANESWAR SAIKIA
R/O- KUSHAL NAGAR
SOUTH HAIBARGAON
P.O- HAIBARGAON
DIST- NAGAON
PIN- 782002
ASSAM

VERSUS

1:THE STATE OF ASSAM AND 3 ORS
REP. BY THE CHIEF SECRETARY TO THE GOVT OF ASSAM
DISPUR
GUWAHATI- 781006

2:THE ASSAM PUBLIC SERVICE COMMISSION
REP. BY ITS CHAIRMAN
JAWAHAR NAGAR
GUWAHATI- 781022

3:THE SECRETARY
APSC
JAWAHAR NAGAR
KHANAPARA- 781022

4:THE PRINCIPAL CONTROLLER OF EXAMINATIONS
APSC
JAWAHAR NAGAR
KHANAPARA
GUWAHATI- 781022

Advocate for the Petitioner : MR. P MAHANTA
Advocate for the Respondent : GA
ASSAM

Linked Case : WP(C) 3348/2019

1:PANKAJ CHETRY
S/O- DHAN BAHADUR CHETRY
R/O- NS AREA PLOT X-55
P.O- DIGBOI
DIST- TINSUKIA
PIN- 786171
ASSAM

VERSUS

1:THE STATE OF ASSAM AND 3 ORS
REP. BY THE CHIEF SECRETARY TO THE GOVT OF ASSAM
DISPUR
GUWAHATI- 781006

2:THE ASSAM PUBLIC SERVICE COMMISSION
REP. BY ITS CHAIRMAN
JAWAHAR NAGAR
GUWAHATI- 781022

3:THE SECRETARY
APSC
JAWAHAR NAGAR
KHANAPARA- 781022

4:THE PRINCIPAL CONTROLLER OF EXAMINATIONS
APSC
JAWAHAR NAGAR
KHANAPARA
GUWAHATI- 781022

Advocate for the Petitioner : MR. P MAHANTA
Advocate for the Respondent : GA
ASSAM

Linked Case : WP(C) 3375/2019

1:FAZLUL KARIM AHMED
S/O- PAJIR UDDIN AHMED
R/O- HATIGAON SIJUBARI
NEAR MAZAR
PUB- NOTBAMA MASJID PATH
P.O. HATIGAON
DIST- KAMRUP (M)
PIN- 781038
ASSAM

VERSUS

1:THE STATE OF ASSAM AND 3 ORS.
REP. BY THE CHIEF SECY. TO THE GOVT. OF ASSAM
DISPUR
GHY-6

2:THE ASSAM PUBLIC SERVICE COMMISSION
REP. BY ITS CHAIRMAN
JAWAHAR NAGAR
GHY-22

3:THE SECRETARY
ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPARA- 781022

4:THE PRINCIPAL CONTROLLER OF EXAMINATIONS
ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPARA
GHY-781022

Advocate for the Petitioner : MR. P MAHANTA
Advocate for the Respondent : GA
ASSAM

Linked Case : WP(C) 3344/2019

1:GIRBANI DEKA
W/O- RANJAN ENGTI
R/O- HNO. 54/37
SEUJI PATH
NEAR NABAGRAHA TEMPLE
KHARGULI
GHY- 03
DIST- KAMRUP(M)
ASSAM

VERSUS

1:THE STATE OF ASSAM AND 3 ORS
REP. BY THE CHIEF SECRETARY TO THE GOVT OF ASSAM
DISPUR
GUWAHATI- 781006

2:THE APSC
REP. BY ITS CHAIRMAN
JAWAHAR NAGAR
GUWAHATI- 781022

3:THE SECRETARY
APSC
JAWAHAR NAGAR
KHANAPARA- 22

4:THE PRINCIPAL CONTROLLER OF EXAMINATIONS
APSC
JAWAHAR NAGAR
KHANAPARA
GUWAHATI- 781022

Advocate for the Petitioner : MR. P MAHANTA
Advocate for the Respondent : GA
ASSAM

Linked Case : WP(C) 3342/2019

1:JYOTIMALA DOLEY
D/O- JATIN DOLEY
R/O- SURAJ NAGAR NO.2
BHARALICHUK
FIRE BRIGADE ROAD
PIN- 781011
DIST- DHEMAJI
ASSAM

VERSUS

1:THE STATE OF ASSAM AND 3 ORS
REP. BY THE CHIEF SECRETARY TO THE GOVT OF ASSAM
DISPUR
GUWAHATI- 781006

2:THE ASSAM PUBLIC SERVICE COMMISSION
REP. BY ITS CHAIRMAN
JAWAHAR NAGAR
GUWAHATI- 781022

3:THE SECRETARY
APSC
JAWAHAR NAGAR
KHANAPARA- 781022

4:THE PRINCIPAL CONTROLLER OF EXAMINATIONS
APSC
JAWAHAR NAGAR
KHANAPARA
GUWAHATI- 781022

Advocate for the Petitioner : MR. P MAHANTA
Advocate for the Respondent : GA
ASSAM

Linked Case : WP(C) 3232/2019

1:SAPTADEEPA PURKAYASTHA
D/O. LT. SHEKHARENDU PURKAYASTHA
R/O. HOUSE NO.10
NEAR LCB COLLEGE
NILACHALPUR
BEZBARUAH NAGAR
MALIGAON
GUWAHATI-781011.

VERSUS

1:THE STATE OF ASSAM AND 3 ORS.
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
DISPUR
GUWAHATI-781006

2:THE ASSAM PUBLIC SERVICE COMMISSION
REP. BY ITS CHAIRMAN JAWAHAR NAGAR
GUWAHATI-781022

3:THE SECRETARY
ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPAR-781022

4:THE PRINCIPAL CONTROLLER OF EXAMINATIONS
ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPARA-781022

Advocate for the Petitioner : MR. P MAHANTA
Advocate for the Respondent : GA
ASSAM

Linked Case : WP(C) 3334/2019

1:ASHIM SAIKIA
S/O- PRANAB KR SAIKIA
R/O- H NO. 23
NANDANPUR PATH
OPP BHABENDALOY
P.O- BELTOLA
KAMRUP(M)
ASSAM

VERSUS

1:THE STATE OF ASSAM AND 3 ORS
REP. BY THE CHIEF SECRETARY TO THE GOVT OF ASSAM
DISPUR
GUWAHATI- 781006

2:THE ASSAM PUBLIC SERVICE COMMISSION
REP. BY ITS CHAIRMAN
JAWAHAR NAGAR
GUWAHATI- 22

3:THE SECRETARY
APSC
JAWAHAR NAGAR
KHANAPARA- 781022

4:THE PRINCIPAL CONTROLLER OF EXAMINATIONS
APSC
JAWAHAR NAGAR
KHANAPARA
GUWAHATI- 781022

Advocate for the Petitioner : MR. P MAHANTA
Advocate for the Respondent : GA
ASSAM

Linked Case : WP(C) 3231/2019

1:NIHARAN DUTTA
S/O CHAMPAK DUTTA
R/O BONGAL PUKHURI
NEAR L.K.PATH
PIN-785001
DIST.-JORHAT
ASSAM

VERSUS

1:THE STATE OF ASSAM AND 3 ORS.
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
DISPUR
GUWAHATI-781006

2:THE ASSAM PUBLIC SERVICE COMMISSION
REP. BY ITS CHAIRMAN JAWAHAR NAGAR
GUWAHATI-781022

3:THE SECRETARY
ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPAR-781022

4:THE PRINCIPAL CONTROLLER OF EXAMINATIONS
ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPARA-781022

Advocate for the Petitioner : MR. P MAHANTA
Advocate for the Respondent : GA
ASSAM

Linked Case : WP(C) 3364/2019

1:JYOTISHA SAIKIA
DAUGHTER OF LATE GOJEN SAIKIA
RESIDENT OF HOUSE NO. 44
CHANDMARI COLONY
P.O. CHANDMARI
PIN- 781003
DISTRICT- KAMRUP(M)
ASSAM.

VERSUS

1:THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM
DISPUR
GUWAHATI- 781006.

2:THE ASSAM PUBLIC SERVICE COMMISSION
REPRESENTED BY ITS CHAIRMAN
JAWAHAR NAGAR
GUWAHATI- 781022.

3:THE SECRETARY
ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPARA- 781022.

4:THE PRINCIPAL CONTROLLER OF EXAMINATIONS
ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPARA
GUWAHATI- 781022.

Advocate for the Petitioner : MR. P MAHANTA
Advocate for the Respondent : GA
ASSAM

Linked Case : WP(C) 3377/2019

1:NAVIN KUMAR RAY
S/O- RAM UDGAR RAY
R/O- VILL- AGBANDHA SAIDING
P.S. MARGHERITA
P.O. AGBANDHA SAIDING
DIST- TINSUKIA
PIN- 786187
ASSAM

VERSUS

1:THE STATE OF ASSAM AND 3 ORS.
REP. BY THE CHIEF SECY. TO THE GOVT. OF ASSAM
DISPUR
GHY-6

2:THE ASSAM PUBLIC SERVICE COMMISSION
REP. BY ITS CHAIRMAN
JAWAHAR NAGAR
GHY-22

3:THE SECRETARY
ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPARA- 781022

4:THE PRINCIPAL CONTROLLER OF EXAMINATIONS
ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPARA
GHY-781022

Advocate for the Petitioner : MR. P MAHANTA
Advocate for the Respondent : GA
ASSAM

Linked Case : WP(C) 3381/2019

1:MAYURI HAZARIKA
DAUGHTER OF GUNESWAR HAZARIKA
RESIDENT OF HOUSE NO. 28
MIJULI PATH
P.O. UDAYAN VIHAR
GUWAHATI- 781171
DISTRICT- KAMRUP(M)
ASSAM.

VERSUS

1:THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM
DISPUR
GUWAHATI- 781006.

2:THE ASSAM PUBLIC SERVICE COMMISSION
REPRESENTED BY ITS CHAIRMAN
JAWAHAR NAGAR
GUWAHATI- 781022.

3:THE SECRETARY
ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPARA- 781022.

4:THE PRINCIPAL CONTROLLER OF EXAMINATIONS
ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPARA
GUWAHATI- 781022.

Advocate for the Petitioner : MR. P MAHANTA
Advocate for the Respondent : GA
ASSAM

Linked Case : WP(C) 3341/2019

1:SHALINI KHAN
D/O- SRI ROBIN KHAN
R/O- H NO. 120A
HONURAM BORO PATH
WALFORD KACHARI BASTI
GUWAHATI- 781005
DIST- KAMRUP(M)
ASSAM

VERSUS

1:THE STATE OF ASSAM AND 3 ORS
REP. BY THE CHIEF SECRETARY TO THE GOVT OF ASSAM
DISPUR
GUWAHATI- 781006

2:THE ASSAM PUBLIC SERVICE COMMISSION
REP. BY ITS CHAIRMAN
JAWAHAR NAGAR
GHY- 22

3:THE SECRETARY
APSC
JAWAHAR NAGAR
KHANAPARA- 22

4:THE PRINCIPAL CONTROLLER OF EXAMINATIONS
APSC
JAWAHAR NAGAR
KHANAPARA
GUWAHATI- 22

Advocate for the Petitioner : MR. P MAHANTA
Advocate for the Respondent : GA
ASSAM

**BEFORE
HONOURABLE MR. JUSTICE N. KOTISWAR SINGH**

ORDER

Date : 29-05-2019

Heard Mr. P. Mahanta, learned counsel for the petitioner in WP(C) 3228/2019, WP(C) 3229/2019, WP(C) 3230/2019, WP(C)3231/2019, WP(C) 3232/2019, , WP(C)3334/2019, WP(C) 3341/2019, WP(C) 3342/2019, WP(C) 3344/2019, WP(C) 3346/2019, WP(C) 3348/2019, WP(C) 3364/2019, WP(C) 3368/2019, WP(C) 3375/2019, WP(C) 3376/2019, WP(C) 3377/2019 & WP(C) 3381/2019 and Mr. D. Goswami, learned counsel for the petitioner in WP(C) 3319/2019. Also heard Mr. C. Baruah, learned Standing Counsel, APSC for the respondents.

The common issue in these petitions is that though the petitioners had done well in the Preliminary Examination and were hopeful of being qualified in the Mains Examination, because of certain mistakes committed by the Assam Public Service Commission (APSC) in giving wrong answers to some of the questions, which has also been admitted by the Assam Public Service Commission (APSC), as evident from the Press Release issued by the Assam Public Service Commission (APSC) on 02.05.2019, the petitioners would be missing the opportunity of appearing in the Main Examination.

It is the case of the petitioners that the petitioners had correctly answered the questions, of which there were discrepancies as also admitted by the Assam Public Service Commission (APSC) and in normal circumstances, would have qualified.

This is the matter which requires examination, for which the Assam Public Service Commission (APSC) has also sought some time to verify.

However, since the last date of submission of application form for the Main Examination is fast approaching on 07.06.2019, and there are some intervening holidays, this Court is of the view that it would meet the ends of justice, if the present petitioners are allowed to submit the forms for the Main Examination provisionally and the Assam Public Service Commission (APSC) accepts said forms subject to payment of requisite fees. Ordered accordingly.

In the meantime, the Assam Public Service Commission (APSC) also will make necessary verification of the claim of the petitioners that they had correctly answered those questions but were not awarded the marks.

The Assam Public Service Commission (APSC) will, accordingly, inform this Court the result of such verification so that these petitions can be disposed at that stage as the claim of the petitioners is based entirely on the fact that they had answered correctly but because of wrong assessment by the Assam Public Service Commission (APSC), they have not been declared qualified and have been deprived of the opportunity of appearing in the Main Examination.

Mr. C. Baruah, learned Standing Counsel, APSC submits that APSC may be granted 15 (fifteen) days' time to make the necessary verification of claim of the petitioners and file an affidavit in this regard

Accordingly, list this matter on 19.06.2019, on which date, an attempt shall be made to dispose of these writ petitions.

JUDGE

Comparing Assistant