

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-781022

5:The Registrar
Assam Agriculture University

Barbheta
Jorhat
Assam 785013

6:The Registrar
Assam Science and Technology University

Tetelia Road
near Assam Engineering College

Jalukbari
Guwahati
Assam 781013

7:The Registrar
Srimanta Sankaradeva University of Health Sciences
2nd Floor
Gauhati Medical College Building

Gauhati Medical College Hill-Top Road

Narkashur Hilltop
Bhangagarh

Guwahati
Assam 781032

8:The Registrar
Cotton University
College Hostel Road Dutta Baruah Bhawan

Paanbazar Guwahati

Assam 781001

9:The Registrar
Gauhati University
NH37
Gopinath Bordoloi Nagar

Jalukbari
Guwahati

Assam 78101

Advocate for the Petitioner : MR. P MAHANTA

Advocate for the Respondent : GA, ASSAM

Linked Case : WP(C) 3696/2019

1:ABHIJIT RAJKUMAR
S/O CHANDRA MOHAN RAJKUMAR
H/NO- 22(A)
SHIV-BARI LANE (LANE NO 07)P.O.- VIVEKANANDA ROAD
SILCHAR
DIST.-CACHAR
STATE- ASSAM
PIN-788007

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 JAWAHARNAGAR
KHANAPARA
GUWAHATI-781022

3:THE SECRETARY
THE ASSAM PUBLIC SERVICE COMMISSION
JAWAHARNAGAR
KHANAPARA
781022

4:THE PRINCIPAL CONTROLLER OF EXAMINATION
THE ASSAM PUBLIC SERVICE COMMISSION
JAWAHARNAGAR
KHANAPARA
GUWAHATI-781022

Advocate for the Petitioner : MR. D DEKA
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) 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) 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) 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) 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) 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) 3595/2019

1:MOKLESUR RAHMAN
S/O- LUFTOR RAHMAN
R/O- COLLEGE ROAD

MATHPARA BYLANE
P.O. KHALILPUR
DIST- DHUBRI
PIN- 783325
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-22

Advocate for the Petitioner : MR. R B GOHAIN
Advocate for the Respondent : GA
ASSAM

Linked Case : I.A.(Civil) 1364/2020

1:THE ASSAM PUBLIC SERVICE COMMISSION AND 2 ORS
REP. BY THE CHAIRMAN
JAWAHAR NAGAR
GHY-781022

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

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

1: THE STATE OF ASSAM AND 17 ORS.
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
DISPUR
GUWAHATI-781006

2: The Registrar
Assam Agriculture University
Barbheta
Jorhat
Assam 785013

3: The Registrar
Assam Science and Technology University
Tetelia Road
near Assam Engineering College
Jalukbari
Guwahati
Assam 781013

4: The Registrar
Srimanta Sankaradeva University of Health Sciences 2nd Floor
Gauhati Medical College Building
Gauhati Medical College Hill-Top Road
Narkashur Hilltop
Bhangagarh
Guwahati
Assam 781032

5: The Registrar
Cotton University College Hostel Road Dutta Baruah Bhawan
Paanbazar Guwahati
Assam 781001

6: The Registrar
Gauhati University NH37
Gopinath Bordoloi Nagar
Jalukbari
Guwahati
Assam 781014

7: 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

8:PULAK DEKA
S/O- LATE PRAFULLA DEKA
R/O VILL- PATRAPUR
PO-KENDUA
PS- BAIHATA CHARIALI
DIST- KAMRUP
ASSAM
781121

9:ASHIM SAIKIA
S/O- PRANAB KR SAIKIA
R/O- H NO-23
NANDANPUR PATH
OPP BHABENDALOY
PO- BELTOLA
DIST- KAMRUP(M)
ASSAM
GHY-6

10:SHALINI KHAN
D/O- ROBIN KHAN
RESIDENT- H NO-120A
HONURAM BORO PATH
WALFORD
KACHARI BASTI
GHY- 781005

11:GIRBANI DEKA
W/O- RANJAN ENGTI
R/O- H NO 54/37
SEUJI PATH
NEAR NABAGRAHA TEMPLE
KHARGHULI
DIST- KAMRUP(M)
GHY-3

12:ANGSHUMAN HAZARIKA

SON OF KULADHAR HAZARIKA
R/O H NO-11
CHANDMARI
RAGHUNATH CHOUDHURI NAGAR
NEAR HOLY CHILD SCHOOL
PO- SILPUKHURI
DIST- KAMRUP(M)
ASSAM
PIN- 781003

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

14:JYOTISHA SAIKIA
D/O- LT GOJEN SAIKIA
R/O- H NO-44
CHANDMARI COLONY
PO- CHANDMARI
DIST-KAMRUP(M)
ASSAM
PIN-781003

15:NIVEDITA SAIKIA
D/O- BANESWAR SAIKIA
R/O- KUSHAL NAGAR
SOUTH HAIBORGAON
PO- HAIBORGAON
DIST- NAGAON
ASSAM
PIN- 782002

16:NAVIN KR RAY
S/O- RAM UDGAR RAY
R/O VILL AND PO- AGBANDHA SAIDANG
PS- MARGHERITA
DIST- TINSUKIA
ASSAM
PIN- 786187

17:MOKLESUR RAHMAN
S/O- LUTFUR RAHMAN
R/O- COLLEGE ROAD
MATHPARA BYLANE

PO- KAHILLPUR
DIST- DHUBRI
ASSAM
PIN-783325

18:ABHIJIT RAJKUMAR
S/O- CHANDRA MOHAN RAJKUMAR
R/O- H NO-22(A)
SHIV BARI LANE(LANE NO-7)
PO- VIVEKANANDA ROAD
SILCHAR
DIST- CACHAR
ASSAM
PIN-788007

Advocate for the Petitioner : MR. T J 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) 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
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

09.10.2020

Heard Mr. Kamal Nayan Choudhury, Senior counsel, assisted by Mr. Preetam Mahanta learned counsel for the petitioners in WP(C) Nos. 3228/2019, 3334/2019, 3341/2019, 3344/2019, 3346/2019 3348/2019, 3364/2019, 3368/2019 and 3377/2019; Mr. Devojit Goswami learned counsel for the petitioner in WP(C) No. 3319/2019, Mr. R.B. Gohain, learned counsel for the petitioner in WP(C) No. 3595/2019 and Mr. M A Choudhury learned counsel for the petitioner in WP(C) No. 3696/2019.

2) Also heard Mr. Nilayananda Dutta, learned Amicus Curiae and Senior Counsel, Mr. Ranjit Kumar Deb Choudhury, learned Senior Government Advocate, Assam for the State Respondent, Mr. Tanmay Jyoti Mahanta, learned Senior Counsel and Standing Counsel, Assam Public Service Commission, assisted by Mr. Pankaj Pratim Dutta for the other respondents.

3) The respondent Assam Public Service Commission (in short, APSC) issued the Advertisement No. 09/2018 on 17.05.2018 vide its No. 38.PSC/E-24/2017-18 announcing that it will hold the Preliminary Examination of the Combined Competitive Examination, 2018 for screening candidates for the Main Examination for recruitment to the services/posts as per

the actual number of vacancies specified in the said advertisement, in accordance with the APSC Combined Competitive Examination Rules, 1989. The breakup of the posts as per APSC's said Advertisement dated 17.05.2018 is replicated below:

ASSAM PUBLIC SERVICE COMMISSION
Jawaharnagar, Khanapara, Guwahati-781022

ADVT. NO. 09/2018

Commission's website : <http://www.apsc.nic.in>

No. 38 PSC/E-24/2017-18

Dated Guwahati, the 17th May, 2018

The Assam Public Service Commission will hold the Preliminary Examination of the Combined Competitive Examination, 2018 for screening candidates for the Main Examination for recruitment to the services/posts as per the actual number of vacancies as shown below, in accordance with the Assam Public Services Combined Competitive Examination Rules, 1989.

Sl No.	Name of the service	OC		Reserved for OBC/MOBC		Reserved for SC		Reserved for STP		Reserved for STH		Grand Total		Posts Reserved for PWD and type of disability
		2	3	4	5	6	7	8	9	10	11	12	13	
		Total	RFW	Total	RFW	Total	RFW	Total	RFW	Total	RFW	Total	RFW	
1.	Assam Civil Service (Jr. Grade)	22	7	10	3	3	1	5	1	3	1	43	13	2 (Locomotor Disabled)
2.	Assam Land & Revenue Service (Jr. grade)	28	9	15	5	4	1	6	2	3	1	56	18	2 [1(Visually Impaired), 1(Hearing Impaired)]
3.	Assam Police Service (Jr. Grade)	3	1	5	1	Nil	Nil	Nil	Nil	Nil	Nil	8	2	Nil
4.	Superintendent of Taxes	5	2	1	Nil	3	1	Nil	Nil	1	Nil	10	3	Nil
5.	Superintendent of Excise	1	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	1	Nil	Nil

6.	Asstt. Employment Officer	1	Nil	1	Nil	Nil	Nil	Nil	Nil	Nil	Nil	2	Nil	Nil
7.	Labour Inspector	8	2	Nil	Nil	1	Nil	Nil	Nil	1	Nil	10	2	1 (Hearing Impaired)
8.	Inspector of Taxes	20	6	5	2	4	1	1	Nil	2	Nil	32	9	1 (Locomotor Disabled)
9.	Inspector of Excise	2	Nil	Nil	Nil	Nil	Nil	1	Nil	Nil	Nil	3	Nil	Nil
Total		90	27	37	11	15	4	13	3	10	2	165	47	6

RFW= Reserved for Women, PWD= Persons with Disabilities, VI- Visually Impaired, HI- Hearing Impaired.

1.
2.
3.
4.

5. STAGES OF THE EXAMINATION

The Combined Competitive Examination consists of two successive stages :-

- (i) The Preliminary Examination
- (ii) The Main Examination (written and interview)

5(I) PRELIMINARY EXAMINATION:

a) The Preliminary Examination will consist of two papers of objective type multiple choice questions of two hours duration each.

Paper-I	General studies	Marks = 200	Time = 2hrs	Objective type multiple choice question paper
Paper-II	One subject to be selected from the list of optional subjects given below:	Marks = 200	Do	Do
Total marks		400		

LIST OF OPTIONAL SUBJECTS FOR C.C. (PRELIMINARY) EXAM. (TOTAL- 28 SUBJECTS)

Agriculture	Geography
Anthropology	Geology
Animal Husbandry & Veterinary Science	Indian History
Botany	Law

Chemical Engineering	Mathematics
Civil Engineering	Mechanical Engineering
Chemistry	Medical Science
Commerce	Philosophy
Computer Science	Physics
Economics	Political Science
Education	Psychology
Electrical Engineering	Sociology
Electronics	Statistics
Fishery Science	Zoology

- b) The questions will be of objective type with multiple choices.
- c) OMR (Optical Mark Recognition) answer sheet will be provided for answering questions.
- d) Candidates will have to use **BLACK/BLUE BALL PEN**.
- e) **USE OF ERASER, CHEMICAL, CORRECTION FLUID etc. for correcting options once marked in the OMR answer sheet is prohibited and answer sheets bearing traces of such use shall not be evaluated.**
- f) This Examination is meant to serve as a screening test only.
- g) The marks obtained in the Preliminary Examination by the Candidates who are declared qualified for admission to the Main Examination **will not be counted** for determining the final order of merit.

OPTIONAL SUBJECTS : SYLLABI

- a) Degree level courses of the Universities of the State of Assam.
- b) The syllabi of the subjects for the Preliminary Examination may be downloaded from the APSC's website www.apsc.nic.in

CANDIDATES WHO ARE DECLARED BY THE COMMISSION TO HAVE QUALIFIED FOR ADMISSION TO THE MAIN EXAMINATION WILL HAVE TO APPLY AGAIN IN THE PRESCRIBED APPLICATION FORM WHICH WILL BE AVAILABLE IN THE APSC's WEBSITE.

SCRUTINY : Final scrutiny of applications will be done before the Main Examination. Any discrepancy found in the application forms will be dealt with as per Rules.

5(II) MAIN EXAMINATION:

The Main Examination consists of (A) Written Examination and (B) Interview Test.

(A) **Written Examination:**

- a) Based on the results of the Preliminary Examination, the number of candidates to be admitted to the written part of the Main Examination will be 11 to 12 times the number of vacancies notified. The selection will be strictly on the basis of merit adhering to the norms of Vertical and Horizontal Reservation as per prescribed law in force.
- b) The written examination will consist of the following papers of 3 hours' duration each. The questions of the examination will be of conventional type:

General English			Marks= 300	Duration-3 hours
General Studies			Marks= 300	Duration-3 hours
Optional Subject 1	Paper-I	Any two optional subjects to be selected from the list of optional subjects (two papers each)	Marks= 200	Duration-3 hours
	Paper-II		Marks= 200	Duration-3 hours
Optional Subject 2	Paper-I		Marks= 200	Duration-3 hours
	Paper-II		Marks= 200	Duration-3 hours
Total (Written)			1400 marks	
Viva-voce			200 marks	
Grand Total			1600 marks	

c) The syllabi of the subjects for the Main Examination may be downloaded from the APSC website www.apsc.nic.in

Any two subjects are to be selected from the list of optional subjects given below:

LIST OF OPTIONAL SUBJECTS FOR C.C.(MAIN)-(TOTAL-29)

Agriculture	Geology
Anthropology	History
Animal Husbandry & Veterinary Science	Law
Botany	Modern languages and literature (any one only) : (i) Assamese, (ii) Bengali, (iii) English Literature, (iv) Hindi, (v) Bodo & Classical Languages, (vi) Arabic, (vii) Persian, (viii) Sanskrit
Chemical Engineering	Mathematics
Civil Engineering	Mechanical Engineering
Chemistry	Medical Science
Commerce & Accountancy	Philosophy
Computer Science	Physics
Economics	Political Science
Education	Psychology
Electrical Engineering	Sociology
Electronics	Statistics
Fishery Science	Zoology
Geography	-----

Candidates **WILL NOT** be allowed to offer the following combinations of subjects:

- Anthropology and Sociology
- Mathematics and Statistics
- Philosophy and Psychology
- Agriculture and Animal Husbandry & Veterinary Science
- Not more than one of the Engineering subjects

(B) Interview Test : MARKS 200

The candidates will be interviewed by a board. The interview, however, will not have any qualifying marks. The marks scored in the interview will be added to the marks scored in the written Examination (Main) and the ranking of the candidates will be determined on the basis of the total marks obtained.

(a) Based on the results of the written part of the Main Examination the number of candidates to be called for interview will be about twice the number of vacancies advertised. The selection will be strictly on the basis of merit adhering to the norms of Vertical and Horizontal Reservation as per prescribed law in force.

(b) The Commission shall recommend exactly the same number of candidates for different posts as notified.

(c) The candidates will be allotted cadre strictly on the basis of merit cum preferences opted by candidates in their applications for the Main Examination.

(d) The Commission shall not recommend a candidate for a post which he/she has not opted for in his/her preference.

4) The respondent APSC vide No. 76PSC/E-24/2017-2018 dated 26.06.2018 issued an Addendum notifying all concerned that in continuation of its Advertisement No. 09/2018 dated 17.05.2018 and in pursuance of the Government letter No. AAP.346/2017/87 dated 25.06.2018, there are another 95 (ninety five) posts of ACS (Junior Grade) and 1 (one) post of Labour Inspector in addition to the numbers of posts advertised earlier, where the other terms and conditions of the said advertisement dated 17.05.2018 shall remain same. The breakup of additional 96 (ninety six) posts as per said Addendum dated 25.06.2018 is reproduced below:

ASSAM PUBLIC SERVICE COMMISSION
Jawaharnagar, Khanapara, Guwahati-781022

ADVT. NO. 09/2018

Commission's website : <http://www.apsc.nic.in>

No. 76 PSC/E-24/2017-18

Dated Guwahati, the 26th June, 2018

In continuation of this office advertisement No. 09/2018 vide No. No. 38 PSC/E-24/2017-18 dated 17/05/2018 and in pursuance of the Government Letter No. AAP.346/2017/87 dated 25.06.2018, it is notified for information to all concerned that other terms and conditions remaining same, there are another 95 (ninety five) posts of ACS (Jr. Grade) and Labour Inspector in addition to the nos. of posts advertised earlier.

The breakup of the posts of ACS (Jr. Grade) and Labour Inspector as communicated by the Govt. is given below

Sl No.	Name of the service	Unreserved		Reserved for OBC/MOBC		Reserved for SC		Reserved for ST(P)		Reserved for STH		Grand Total		Posts Reserved for PWD and type of disability
		2	3	4	5	6	7	8	9	10	11	12	13	
		Total	RFW	Total	RFW	Total	RFW	Total	RFW	Total	RFW	Total	RFW	
1.	Assam Civil Service	51	16	25	8	6	2	9	3	4	1	95	30	3 (Locomotor)

	(Jr. Grade)													Disabled)
2.	Labour Inspector	Nil	Nil	Nil	Nil	Nil	Nil	1	Nil	Nil	Nil	1	Nil	Nil
Total		51	16	25	8	6	2	10	3	4	1	96	30	3

5) Said advertisement dated 17.05.2018 specified the centers for the Combined Competitive Preliminary, pay scales admissible for each cadre/post advertised, date of availability of the application, , last date of duly filled in application form for the Combined Competitive Preliminary Examination, eligibility criteria, like – nationality, minimum and upper age of the intending candidate with relaxation to the reserved category candidates as well as for Person with Disabilities (PWD) and Ex-servicemen, educational qualification etc.

6) Said advertisement dated 17.05.2018 specifically provided that said Combined Competitive Examination (hereinafter referred to as the CCE) shall have 2 (two) successive stages – (i) the Preliminary Examination and (ii) the Main Examination (written and interview), where Preliminary Examination shall consists of 2 (two) papers of objective type multiple choice questions of 2 (two) hours duration each, 200 (two hundred) marks in each paper, in total 400 (four hundred) marks of which Paper-I is of General Studies and Paper-II is one subject from amongst the 28 (twenty eight) optional subjects and the syllabi for those optional subjects were Degree Level Course of the Universities of the State of Assam.

7) In the said advertisement APSC clarified that candidates who are declared by it to have qualified for admission to the CCE (Main) will have to apply again in the prescribed application form which shall be available in its website.

8) CCE (Main) as noted above consists of (a) Written Examination and (b) Interview Test. Such written examination, as advertised, is on the basis of results of the Preliminary Examination, the number of candidates to be admitted to the written part of the Main Examination shall be 11 to 12 times of vacancies notified and said selection shall be strictly on the basis of merit adhering to the norms of Vertical and Horizontal Reservation as per prescribed law in force. Further, such written examination consists of papers of (1) General English of 300 marks, (2) General Studies of 300 marks, (3) Optional Subject-1, of which (i)

Paper-I of 200 marks and (ii) Paper-II of 200 marks and (4) Optional Subject-2, of which (i) Paper-I of 200 marks and (ii) Paper-II of 200 marks, total written examination together of 1400 marks, where all the 6 (six) written examinations are of 3 (three) hours' duration each. Interview Test/Viva-voce consists of 200 (two hundred) marks. Written Examination and Interview Test for CCE (Main) altogether consists of 1600 (1400 + 200) marks. Out of Candidates have to select 2 (two) subjects from amongst the 29 (twenty nine) optional subjects for CCE (Main) as specified by the APSC.

9) In the said advertisement it was also specified that from amongst those 29 (twenty nine) optional subjects, candidates will not be allowed to offer the combination of the subjects (i) Anthropology and Sociology, (ii) Mathematics and Statistics, (iii) Philosophy and Psychology, (iv) Agriculture and Animal Husbandry and Veterinary Science and (v) Not more than one of the Engineering subjects.

10) For the Interview Test of 200 marks, the candidates will be interviewed by board, however the interview will not have any qualifying marks, the marks scored in the interview will be added to the marks scored in the written Examination (Main) and the ranking of the candidates would be determined on the basis of the total marks obtained.

11) Respondent APSC in the said Advertisement dated 17.05.2018 stipulated that (a) based on the results of the written part of the Main Examination the number of candidates to be called for interview would be about twice the number of vacancies advertised. The selection will be strictly on the basis of merit adhering to the norms of Vertical and Horizontal Reservation as per prescribed law in force. (b) The Commission shall recommend exactly the same number of candidates for different posts as notified. (c) The candidates will be allotted cadre strictly on the basis of merit cum preferences opted by candidates in their application for the Main Examination. (d) The Commission shall not recommend a candidate for a post which he/she has not opted for in his/her preference.

12) In terms of its Advertisement dated 17.05.2018 and Addendum dated 26.06.2018 the respondent APSC conducted Preliminary Examination of the Combined Competitive Examination, 2018 on 30.12.2018 in which around 60,275 candidates participated including the petitioners. (In the e-Admission Certificates given to the eligible candidates though the

APSC mentioned 24.11.2018 as the date of Preliminary Examination specifying their examination centers, but it was postponed). By the Notification No. 49 PSC/CON/E-24/2018-19 dated 13.03.2019 respondents in the APSC declared the results of the Combined Competitive (Preliminary) Examination, 2018 held on 30.12.2018 declaring the Roll Numbers of 3361 numbers of qualified candidates.

13) On 20.03.2019 the APSC in its website uploaded the answer keys to the General Studies paper, Optional Papers along with OMR (Optical Mark Recognition) answer sheets of each candidates and the cut off marks of various categories obtained by the candidates with regard to the Combined Competitive (Preliminary) Examination, 2018 held on 30.12.2018. Cut Off Marks of Combined Competitive (Preliminary) Examination, 2018 as notified by APSC are – (i) Open Category – (a) Male : 263, (b) Female : 261, (ii) OBC/MOBC – (a) Male : 243, (b) Female : 242, (iii) Schedule Caste – (a) Male : 228, (b) Female : 223, (iv) Schedule Tribe (Plains)– (a) Male : 236, (b) Female : 236, (v) Schedule Tribe (Hills)– (a) Male : 219, (b) Female : 219 (vi) Persons with Disabilities – (a) HI : 170, (b) OH : 185 and (c) VI : 228.

14) Since many candidates did not find their names amongst the qualified Combined Competitive (Preliminary) Examination, 2018 declared by APSC on 19.03.2019 and as the answer keys of the said Preliminary Examinations published by APSC in its website on 20.03.2019 was found to be wrong, they submitted representations before the APSC with various queries. APSC vide No. 79PSC/CON/EXAM-24/2018-2019 dated 27.03.2019 issued a Notification stating that all queries leading to the Combined Competitive Examination (Preliminary), 2018 will be closed on 30.03.2019 and no further queries will be entertained beyond the said stipulated date.

15) The APSC on receipt of information/complaints on accuracy of some of the answer keys to the Combined Competitive (Preliminary) Examination, 2018, and on its own *suo moto* deliberation on that issue found that there were a few genuine inadvertence in the answer keys of some of the subjects and that the answer keys were once again re-verified in consultation with the domain experts and accordingly some more candidates have been found to be qualified to appear in the Combined Competitive (Main) Examination, 2018. The APSC, decided to consider the said candidates qualified for appearing in the C.C. (Main)

Examination, 2018 without prejudice to the results earlier published on 13.03.2019.

16) In that regard APSC by Notification No. 83PSC/CON/E-24/2018-19 dated 30.04.2019 declared the Roll Numbers of 408 numbers of additional candidates, including two candidates of OH category under the category of PWD, to be qualified in the Combined Competitive (Preliminary) Examination, 2018, held on 30.12.2018, in addition to those 3361 numbers of candidates whose results were declared on 13.03.2019 to be qualified in the C.C.(Preliminary) Examination, 2018 as qualified to appear in the Combined Competitive (Main) Examination, 2018.

17) Respondent APSC on 02.05.2019 issued a Press Release stating that despite its effort and utmost caution, the answer keys are correct to the extent possible, but discrepancies in the answer keys had come to light after the announcement of the results were made which were genuine and inadvertent. As such it has arrived at the decision that the errors required to be corrected so that no deserving candidate is deprived of the opportunity to appear in the examination and its only consideration was not to make a candidate suffer for no mistake of his/her. It had *suo moto* taken up re-verification of the answer keys with the help of available domain experts on the basis of which the wrong answer keys of as many subjects were revised and based on the re-set answer keys the results had been processed and thereafter it announced for an additional list where 406 candidates found place which was done without any prejudice to the results announced earlier. In the said Press Release, APSC also stated that by doing the same it has demonstrated its desire to correct mistakes and not to allow the genuine candidates to suffer. It stated that the internal mechanism allows no scope to it to interfere in the process of setting of question papers and preparation of answer keys as those are set and moderated by designated domain experts drawn from the academicians. The APSC in the said Press Release also clarified that there had been no external influence for its said action and the decision was *suo moto* and unanimous and by the same APSC requested all to cooperate with its effort and to bear the inadvertences.

18) After such Press Release on 02.05.2019, respondent APSC on 09.05.2019 published the 2nd answer keys. On 15.05.2019 APSC issued Notification No. 55PSC/E-14/2018-2019 bringing it to the notice of the candidates who have qualified to appear in the Combined

Competitive (Main) Examination, 2018 that prescribed application forms for the said examination would be available for downloading in its website with effect from 16.05.2019 and the last date of submission of such application form was 07.06.2019. In the said Notification, respondent APSC issued under clauses and terms and conditions for information to the candidates concerned.

19) Even after publication of the additional list of 408 nos. (including 2 OH category) of Roll numbers of candidates to be qualified in the C.C.E. (Preliminary) 2018 on 30.04.2019, in addition to 3361 nos. candidates whose roll numbers were declared on 13.03.2019, the petitioners not finding their roll number amongst those uploaded/notified, after obtaining their answer scripts of General Studies and Optional Subjects of said C.C.E. (Preliminary) 2018 preferred these writ petitions stating that they performed well in the Combined Competitive (Preliminary) Examination, 2018 and they were hopeful of being qualified in the said examination so as to participate in the Combined Competitive (Main) Examination, 2018. Since certain mistakes have been committed by the respondent APSC in giving wrong answers to some of the questions, which APSC has admitted as evident from its Press Release dated 02.05.2019, petitioners answer scripts have been wrongly evaluated, where they should have obtained more marks and if such marks would have been allotted to them to their answers, they would have normally qualified to participate in the Combined Competitive (Main) Examination, 2018. Petitioners also contended that both the answer keys uploaded and published by APSC are wrong, which needed proper verifications.

20) As such the petitioner's prayed before the Court, amongst others, (i) for a declaration that the evaluation undertaken and done by APSC is bad in law and liable to be re-evaluated, re-checked and to award correct marks to them with regard to the questions under scrutiny, (ii) a writ in the measure of Mandamus directing the respondents to award marks to the petitioners patterning to their questions under scrutiny, (iii) to set aside both the answer keys uploaded by the APSC and upon proper verification, after giving the candidates an opportunity to object, issue a fresh error free answer keys which shall be subjected to all the candidates including the already notified candidates and thereafter issue a fresh list after necessary adjustments in the cut offs, if required.

21) The petitioners have also prayed for interim orders for a direction to the respondent APSC to allow the petitioners to submit application form for C.C.E. (Main), 2018 as per Notification dated 15.05.2019.

22) Some other candidates whose names did not figure in the 1st and the additional list of qualified candidates for the C.C.E. (Main), 2018 have also preferred writ petitions on the same ground and seeking similar relief as that of the present petitioner, like – (i) W.P.(C) No. 3229/2019 (Soumyanil Baruah -Vs- State of Assam & Others), (ii) W.P.(C) No. 3230/2019 (Jitul Chutia -Vs- State of Assam & Others), (iii) W.P.(C) No. 3231/2019 (Niharan Dutta -Vs- State of Assam & Others), (iv) W.P.(C) No. 3232/2019 (Saptadeepa Purkayastha -Vs- State of Assam & Others), (v) W.P.(C) No. 3342/2019 (Jyotimala Doley -Vs- State of Assam & Others), (vi) W.P.(C) No. 3375/2019 (Fazlul Karim Ahmed -Vs- State of Assam & Others), (vii) W.P.(C) No. 33376/2019 (Khaleda Anam -Vs- State of Assam & Others), (viii) W.P.(C) No. 3381/2019 (Mayuri Hazarika -Vs- State of Assam & Others) and (ix) W.P.(C) No. 3743/2019 (Ajay Handique -Vs- State of Assam & Others).

23) Considering such circumstances and as the C.C.E. (Main), 2018 was approaching fast, in the initial stages of these writ petitions including the 9 (nine) writ petitions noted above, the Court on 29.05.2019 directed the petitioners to submit the forms for the said Main Examination provisionally and further directed respondent APSC to accept said forms subject to payment of requisite fees. The Court also directed APSC to make necessary verification patterning to the claim of the petitioners that they had correctly answered the questions in their C.C.E. (Preliminary), 2018 but were not awarded the marks and to apprise the Court the result of such verification.

24) Respondent APSC on 29.07.2019 filed a common affidavit in the present 12 writ petitions as well as in those nine writ petitions noted above, which involved similar issues and pertains to the Combined Competitive (Preliminary) Examination, 2018.

25) In the said affidavit, with regard to the petitioners of WP(C) Nos. 3229/2019, 3230/2019, 3231/2019, 3232/2019, 3342/2019, 3375/2019, 3376/2019, 3381/2019 and 3743/2019 concerned, the respondent APSC submitted that as per the order of the Court,

after verification of the answer scripts of those nine writ petitioners, it was found that after awarding grace mark to them as decided on *pro rata* basis they have qualified in the Combined Competitive (Preliminary) Examination, 2018 so as to appear in the Combined Competitive (Main) Examination, 2018. However, those nine writ petitions on the prayer of the petitioners were disposed of on 23.10.2019 being infructuous.

26) But, in the same affidavit, the respondent APSC with regard to the present 12 petitioners in WP(C) Nos. 3328/2019, 3319/2019, 3334/2019, 3341/2019, 3344/2019, 3346/2019, 3348/2019, 3368/2019, 3375/2019, 3377/2019 and 3696/2019 concerned submitted that as per the order of the Court, after taking up their matters with the paper setters/domain experts and obtaining their views, it was found that even after verification and awarding of grace mark, they are not entitled to any further marks to pass the said Combined Competitive (Preliminary) Examination, 2018 so as to qualify themselves to appear in the Combined Competitive (Main) Examination, 2018.

27) On perusal of the said affidavit of the APSC, after hearing the parties and considering the entire aspect of the matter including the earlier order dated 29.05.2019, the Court by order dated 30.07.2019 passed in these proceedings as well as in those nine writ petitions, directed the APSC to issue admit card to appear in the Combined Competitive (Main) Examination, 2018 not only to the petitioners of those nine writ petitions, noted above, who secured the required cut off marks in the Combined Competitive (Preliminary) Examination, 2018 on re-verification of their answer scripts, but also to the present twelve writ petitioners, with the observations that the APSC shall not declare the result and it would be subject to the outcome of these writ petitions.

28) Respondent APSC submitted that from amongst the candidates out of those 3361 candidates who on 13.03.2019 were declared to have qualified in the said 2018 Preliminary Examination, 408 (406 +2) candidates who on 30.04.2019 were declared to have qualified in the said examination, present 12 writ petitioners as well as those 9 writ petitioners, noted above, altogether 4076 numbers of candidates appeared in the Combined Competitive (Main) Examination, 2018 and their results have not been declared.

29) On queries being made, APSC stated that it did not carry out any exercise nor

initiated any process so as to find out who amongst those 3361 candidates, whose preliminary results were declared on 13.03.2019 on the basis of wrong answer keys, have actually passed in the said Combined Competitive (Preliminary) Examination, 2018 after re-verification of the answer keys and are now qualified to sit in the Combined Competitive (Main) Examination, 2018,. On 23.10.2019 the Court directed the APSC to clarify its stand by filing affidavit with the observation that APSC, without the leave of the Court, shall not declare the results of the Combined Competitive (Main) Examination, 2018 pursuant to its advertisement dated 17.05.2018,.

30) Pursuant to the direction of the Court dated 23.10.2019 respondent APSC on 06.12.2019 (wrongly stamped as 06.11.2019) filed an additional affidavit stating that out of those 3361 numbers of candidates declared to have passed the Combined Competitive (Preliminary) Examination, 2018 on the basis of its first answer keys, uploaded/notified on 13.03.2019, after the re-verification and correction of the answer keys, uploaded/notified in its website on 30.04.2019, only 3263 numbers of candidates passed the said Preliminary Examination and from amongst those 3361 numbers of candidates, marks scored by 98 candidates had come below the cut-off marks so as to pass the said preliminary examination. APSC also stated on the basis of revised answer keys as many as 406 candidates have been declared to have qualified in the C.C. (Preliminary) Examination, 2018 by Notification dated 30.04.2019, published in its website in addition to those 3361 candidates who were already declared to have qualified on 13.03.2019 in the C.C. (Preliminary) Examination, 2018, without prejudice to their results declared on 13.03.2019.

31) Therefore, those 98 candidates who had already been declared to have qualified the said Preliminary Examination on 13.03.2019, being in the preliminary stages of the said Combined Competitive Examination, 2018, APSC decided to give a chance to them in the Main Examination, as there being subsequent stages to assess the merit and suitability of the candidates.

32) In the said affidavit, APSC also stated that being in the preliminary stages of the said Combined Competitive Examination, 2018 and there are two more stages to assess the merit and suitability of the candidates [C.C. (Main) Examination, 2018, written + interview], APSC

decided to allow those 98 candidates, who had already been declared to have qualified in the Preliminary Examination on 13.03.2019, to give them a chance to participate in the said Competitive Main Examination and that out of those 98 candidates, only 68 candidates had appeared in the C.C. (Main) Examination, 2018. In the said affidavit APSC also stated that they decided to upload the marks of all the candidates after re-verification of the answer keys. APSC in the said affidavit also annexed a copy of the minute in its meeting held on 30.04.2019 (Annexure-1) which is as follows:

**MINUTES OF THE MEETING OF THE COMMISSION
HELD ON 30.4.2019 AT 1.00 P.M.**

Present :

- (i) Shri Dipak Kumar Sarma, IAS (Retd.), Chairman (i/c), APSC
- (ii) Shri Mukti Gogoi, IAS (Retd.), Member, APSC
- (iii) Shri P.K. Hazoari, ACS (Retd.), Member, APSC
- (iv) Shri S. Das Laskar, Hon'ble Member
- (v) Dr. Ajanta Nath, Hon'ble Member

Shri Prakash R. Gharphalia, ACS, Secretary and Smti Pubali Gohain, ACS, Principal Controller of Examinations (PCE) of the Commission were also present.

Item no.1: Re-verification of the answer keys in the subjects relating to the Combined Competitive (Prel.) Examination, 2018 and finalization of results thereof.

The PCE, APSC apprised that the Commission had uploaded the answer keys of the subjects and also the OMR sheets of each and every candidate of the Combined Competitive (Prel.) Examination, 2018. Although utmost care was taken for ensuring accuracy, some genuine and inadvertent discrepancies in the answer keys were detected. The answer keys were therefore once again re-verified in consultation with the domain experts and accordingly the corrected answer keys were entered into the system which resulted in some more candidates being found to have qualified to appear in the Combined Competitive (Main) Examination, 2018. The subject-wise numbers of challenged question and actual number of answers found wrong were as follows:

Sl. No.	Subjects	Number of questions challenged	Actual numbers of questions found wrong
1	General Studies	34	3
2	Agriculture	5	3
3	Anthropology	5	3
4	AH & Vety. Science	7	3
5	Botany	3	1
6	Civil Engineering	3	2
7	Commerce	2	2
8	Economics	4	No correction
9	Education	19	6

10	Electrical Engineering	15	6
11	Electronics	3	1
12	Geography	2	1
13	Geology	9	7
14	Indian History	42	11
15	Law	1	1
16	Mathematics	2	2
17	Mechanical Engineering	12	8
18	Philosophy	6	2
19	Physics	14	5
20	Political Science	25	14
21	Sociology	13	9
22	Zoology	2	2

The Commission took *suo-moto* cognizance of the matter of anomalies/mistakes in the answer keys of the C.C. (Prel.) Examination, 2018 on receipt of information/ complaints. After detailed deliberation on the issue, the Commission found that there were actually a few genuine inadvertences in the answer keys of some of the subjects. The Commission was of the view that the errors must be corrected and no genuine candidate should be deprived for no fault of his/hers. Hence, after due deliberation, and, in order to do justice to the concerned candidates, the Commission decided that :

1. *There will not be any upward revision of the cut off marks for the preliminary examination.*
2. *Since, after feeding the correct answer keys into the system, it was found that 406 more candidates would qualify for the CCE(Mains), 2018 on the basis of the earlier cut off marks, it was decided to declare these 406 candidates as qualified for appearing in the CCE(Mains), 2018.*
3. *There will not be any prejudice towards the results declared on 13th March. Therefore, the 98 candidates out of 3361 candidates declared qualified to appear the CC(Mains) Examination whose marks came below the cut off marks due to revision of answer keys, were not to be discarded and allowed to appear for CCE(Mains), 2018. In other words, the list of 3361 candidates earlier declared to have qualified to appear in the CCE(Mains) examination vide notification no. 49PSC/CONE-24/2018-19 dated Guwahati the 13th March, 2019 will remain intact.*

In deciding so, the Commission opined that these 98 candidates have already been declared to have qualified for the Mains and removal of these candidates and inclusion of 406 fresh candidates in one go will entail complete cancellation of the notification and require issue of a fresh notification containing the new results. Since there are two more stages to assess the merit and suitability of candidates, the Commission decided to allow these 98 candidates to be given a chance.

4. *The Commission further decided to address a Press Conference for greater public awareness and transparency regarding the decision taken.*

The PCE further informed that Roll numbers 1009053 and 2301880 under OH category were not included in the earlier results due to technical error. The Commission decided to declare them to have qualified to appear in the C.C.(Main) Examination, 2018.

The Commission also decided to upload the marks of all the candidates after re-verification of answer keys.

33) As per the order dated 20.02.2020, respondent APSC filed another affidavit on

28.02.2020 indicating the list of those 98 candidates who scored below the cut-off marks due to revision of the answer keys in the C.C. (Preliminary) Examination, 2018 and the list of 68 candidates out of those 98 candidates who appeared in the C.C. (Main) Examination, 2018, with due authentication and signature of the authority concerned of the APSC in sealed cover.

34) APSC on 21.08.2020 filed the Interlocutory Application being I.A.(C) No. 1364/2019 in WP(C) No. 3228/2019 stating that the present petitioners are not qualified to appear in the C.C. (Main) Examination, 2018, as they could not pass the C.C. (Preliminary) Examination, 2018 in spite of verification of their answer scripts as per the order of the Court and also have been allowed to appear in the C.C. (Main) Examination, 2018 as per the order of the Court dated 30.07.2019. APSC in the said I.A. prayed to grant them "you will leave to declare the result of the C.C. (Main) Examination, 2018 as per the advertisement No. 09/2018 dated 17.05.2018 by vacating/modifying/altering the order dated 23.10.2019 passed in WP(C) No. 3228/2019 another connected cases.

35) On being enquired, APSC stated that evaluations of all the answer scripts of the candidates who appeared in the C.C. (Main) Examination, 2018 are already over and sought for necessary leave to allow it to declare the result of the said (Main) Examination. Pursuant to the order dated 08.09.2020 passed in said I.A.(C) No. 1364/2019 and the other connected cases, APSC submitted the result of the Combined Competitive (Main) Examination, 2018 conducted in terms of the advertisement No. 09/2018 dated 17.05.2018 in a sealed cover duly authenticated and signed by its concerned authority pertaining to the 68 nos. of candidates who ought not to have passed the C.C. (Preliminary) Examination, 2018 as per the revised answer keys of APSC but participated in the C.C. (Main) Examination, 2018 as well as that of the present 12 petitioners, who appeared in the said examination as per the order of the Court, subject to the outcome of the repetitions.

36) Mr. Dutta, learned Amicus Curiae submitted that pursuant to the Advertisement No. 09/2018 dated 17.05.2018 of the APSC as many as 36,232 numbers of candidates appeared in the Combined Competitive (Preliminary) Examination, 2018 on 30.12.2018. On 13.03.2019 APSC declared the result of the said Preliminary Examination in which 3361 numbers of candidates passed the same. On re-verification of the answer keys, additional 408

(406 + 2 PWD) candidates passed the said Preliminary Examination as per its result dated 30.04.2019. On its verification APSC found that after the revised answer keys, 98 numbers of candidates out of 3361 did not obtain cut-off mark in the said Preliminary Examination so as to qualify to appear in the Combined Competitive (Main) Examination, 2018. 21 numbers of such candidates, who did not qualify the said Preliminary Examination even after publishing the revised answer keys, preferred 21 writ petitions. On re-verification, APSC allowed 9 petitioners out of those 21 writ petitions to be qualified to appear in the said Main Examination. Remaining 12 writ petitioners have been allowed to appear in the said Main Examination by the order of the Court subject to the outcome of their writ petitions. Moreover, out of those ineligible 98 numbers of candidates, amongst 3361 candidates, only 68 numbers of candidates appeared in the said Main Examination and 30 did not and all together 3760 numbers of candidates [3331 (3361-30) + 408 (406 +2 PWD) + 9 + 12] appeared in the Combined Competitive (Main) Examination, 2018, conducted by the APSC.

37) Mr. Dutta learned Amicus Curiae also submitted that out of those 3760 candidates who appeared in the said Main Examination, issues are related only to 80 numbers of candidates, which includes 68 candidates who did not obtain cut-off marks in the Combined Competitive (Preliminary) Examination, 2018 after the revised answer keys were uploaded by the APSC and the present 12 writ petitioners who did not pass the said Preliminary Examination even after re-verification of their answer scripts in the said examination and are allowed by the Court to appear in the Combined Competitive (Preliminary) Examination, 2018 subject to the outcome of their writ petition. Mr. Dutta, as such submitted that out of those 3760 candidates who had already participated in the Combined Competitive (Main) Examination, 2018, there are no dispute with regard to 3680 numbers of candidates.

38) Mr. Dutta learned Amicus Curiae further submitted that as per the provisions of the Rule 63 of the Assam Public Service Commission (Procedure and Conduct of Business) Rules, 2010 as applicable to the Combined Competitive Examination, 2018 advertised by APSC on 17.05.2018, the number of candidates to be admitted to the personality test/interview should be twice, i.e., 1:2, the number of vacancies to be filled in the various services and posts maintaining Reservation policies and the relevant Rules of recruitment. As such against 261 numbers of posts as advertised by APSC in its advertisement dated 17.05.2018 and

addendum dated 26.06.2018 maximum 522 numbers of candidates (261 X 2) shall be called for personality test/interview with any such additional candidate that may be allowed if more than one candidate who obtained the same cut-off mark.

39) It is submitted by Mr. Dutta, learned Amicus Curiae that no one has challenged the decision of the APSC to allow the 98 candidates out of those 3361 candidates, who, after the revised answer keys pertaining to the Combined Competitive (Preliminary) Examination, 2018 uploaded by APSC, failed to obtain cut-off mark to qualify to appear in the Combined Competitive (Main) Examination, 2018 and that out of those 98 candidates only 68 candidates appeared in the said Main Examination, 2018 and 30 did not. Similarly, there is also no challenge with regard to the present 12 writ petitioners who are allowed by the Court to appear in the said 2018 Main Examination, subject to the outcome of their writ petitions. Mr. Dutta stated that from amongst the present 12 writ petitioners and 68 candidates noted above, the numbers of candidates who might have secured cut-off marks in the said 2018 Main (written) Examination, their percentage of qualifying the same would be very nominal.

40) Stating that advertisement for the said recruitment being issued on 17.05.2018, Mr. Dutta submitted that the order of stay in declaring the results of the written examination pertaining to the Combined Competitive (Main) Examination, 2018, already conducted by APSC may be considered to be vacated and that the APSC may be permitted to schedule the interview and to proceed in accordance with Rules.

41) From the Annexure-1 to the Additional Affidavit of the respondent APSC it can be seen that APSC in the answer keys to the C.C. (Preliminary) Examination, 2018, on the basis of which it published the C.C. (Preliminary) Examination, 2018 result on 13.03.2019 with 3361 numbers of qualified candidates, itself found wrong with the answers of 1 question each in Botany, Electronics, Geography and Law; 2 questions each in Civil Engineering, Commerce, Mathematics, Philosophy and Zoology; 3 questions each in General Studies, Agriculture, Anthropology, AH & Vetey. Science; 5 questions in Physics; 6 questions each in Education and Electrical Engineering, 7 questions in Geology; 8 questions in Mechanical Engineering; 9 questions in Sociology, 11 questions in Indian History and 14 questions in Political Science. On the basis of such wrong answer keys APSC on 13.03.2019 declared the roll numbers of

3361 candidates declaring them to have passed the C.C. (Preliminary) Examination, 2018 and qualified to appear in the C.C. (Main) Examination, 2018, that includes those 98 candidates, out of which 68 candidates appeared in the C.C. (Main) Examination, 2018.

42) APSC neither in its Advertisement No. 09/2018 dated 17.05.2018, nor by issuing any Addendum and also in its Minutes dated 30.04.2029 (Annexure-1 to the affidavit of APSC filed on 06.12.2019) did not state that it will provide Grace Mark to the candidates, who could not qualify its Combined Competitive (Preliminary) Examination, 2018. But it is seen from the affidavit of APSC filed on 29.07.2019 that with regard to those 9 (nine) writ petitioners of WP(C) Nos. 3229/2019, 3230/2019, 3231/2019, 3232/2019, 3342/2019, 3375/2019, 3376/2019, 3381/2019 and 3743/2019, who did not qualify the C.C. (Preliminary) Examination, 2018 even after the revised answer keys with regard to the said examination, APSC awarded them grace marks, by which all those 9 (nine) writ petitioners were considered by APSC to have qualified for the C.C. (Main) Examination. APSC did not clarify nor properly explained about granting of such Grace Mark to those 9 writ petitioners, who participated in the C.C. (Main) Examination, 2018.

43) It is settled that with regard to the selection and appointment to any post more particularly in a public post, the selection must be fair, transparent, clear, credible, non-discriminatory, non-capricious, unbiased, without favouritism and nepotism, in pursuit of promotion of healthy competition and equitable treatment, in an accountable manner following the mandate of not violative of the Article 14 and 16 of the Constitution of India.

44) If any such selection to public post is found to be unfair, unreasonable, discriminatory, non-transparent, capricious or suffers from favouritism or nepotism, violative of the mandate of the Article 14 and 16 of the Constitution of India, same would be arbitrary and such decision-making process would be amenable to the exercise of power of judicial review.

45) Hon'ble Supreme Court in the case of *U. P. Power Corporation Limited -Vs- Ayodha Prasad Mishra*, reported in (2008) 10 SCC 137 have held that – *Just as equals cannot be treated unequally, unequals also cannot be treated equally.*

46) In the case of *State of U. P. -Vs- Rafiquddin*, 1987 Supp SCC 401, Hon'ble Supreme

Court have held that – the Public Service Commission is entrusted with the duty of holding competitive examination and recommending the names of suitable candidates as approved by it for appointment to the service on the basis of the proficiency shown by the candidates at the examination adjudged on the basis of the aggregate marks secured by them. (*State of U.P. -Vs- Rafiquddin, 1987 Supp SCC 401*)

47) Hon'ble Apex Court in the case of *H. Mukherjee (Dr) -Vs- Union of India, 1994 Supp (1) SCC 250*, Hon'ble Apex Court observed that - the establishment of an independent body like Public Service Commission is to ensure selection of best available persons for appointment in a post to avoid arbitrariness and nepotism in the matter of appointment. The function of the Public Service Commission being advisory, the Government may for valid reasons to be recorded on the file, disapprove of the advice or recommendation tendered by the Commission, which decision can, if at all, be tested on the limited ground of it being thoroughly arbitrary, mala fide or capricious.

48) In the order dated 23.10.2019 the Court already observed that *noise well settled that - If the key which was used for evaluating the answers sheets was itself defective and the result of the examination on the basis of such wrong key patterning to the concerned question paper stands vitiated, which affect the result of the entire examination qua every candidate whether or not he was a party to the proceedings. It also goes without saying that if the result was vitiated by the application of a wrong key, any appointment made on the basis thereof would also be rendered unsustainable. It is not only necessary to maintain the purity on the selection process but also to ensure that no candidate should earn an undeserved advantage over others by application of an erroneous key.*

49) Public Service Commission is a Constitutional authority, who is required to hold free and fair examination, maintaining highest standard functioning as well as action of such statutory body should be transparent and as per the rule of law. Only such action would increase the credibility of statutory body like Commission, so as to restore the faith of the candidates on it to eradicate the doubt in the minds of the aspiring candidates.

50) After hearing the learned counsels for parties as well as the learned Amicus Curiae and considering the matters, the order dated 23.10.2019 passed earlier in these petitions are

modified to the extent that the respondent APSC is allowed to declare the results of the Written Examination with regard to the Combined Competitive (Main) Examination, 2018 pertaining to the posts of Civil Services conducted in pursuance of the APSC's Advertisement No. 09/2018 dated 17.05.2018 as advertised on said 17.05.2018 as well as in its Addendum dated 26.06.2018.

51) Thereafter, APSC shall conduct the Interview Test for the Combined Competitive (Main) Examination, 2018 as provided in Clause 5 (II) (B), (a), (b), (c) and (d) of the said Advertisement No. 09/2018 dated 17.05.2018.

52) However, the APSC shall not declare the final results of the Combined Competitive (Main) (written + interview) Examination, 2018, without the leave of the Court.

53) Though leave is granted to the APSC to declare the result of the written examination of the Combined Competitive (Main) Examination, 2018 and to proceed with the Interview Test for the said C.C. (Main) Examination, 2018; but it is made clear that, the same shall not create any right to the petitioners as well to those whom the APSC has declared to be qualified for their selection in the Combined Competitive (Main) Examination, 2018, in violation of the Rules of law. After completion of the process of Interview Test, noted above, the APSC shall do the needful to list the matter.

54) In view of the above, the I.A. (Civil) No. 1364/2020 in WP(C) No. 3228/2019, preferred by the APSC stands disposed of.

JUDGE

Comparing Assistant