

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) 3743/2019

1:AJAY HANDIQUE  
S/O- RANJAN HANDIQUE  
R/O- VILL- LUKHURAKHON GAON  
P.O- SELENGHAT  
P.S- TEOK  
DIST- JORHAT  
ASSAM  
PIN- 785636

VERSUS

1:THE ASSAM PUBLIC SERVICE COMMISSION AND ANR  
REP. BY THE CHAIRMAN  
JAWAHAR NAGAR  
KHANAPARA  
GUWAHATI- 22

2:THE PRINCIPAL CONTROLLER OF EXAMINATION  
APSC  
JAWAHAR NAGAR  
KHANAPARA  
GUWAHATI- 22

Advocate for the Petitioner : MR. M K SHARMA  
Advocate for the Respondent : SC  
APSC

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) 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 : 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) 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) 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 BHABENDALLOY  
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 UJJAL BHUYAN**

**ORDER**

30.07.2019

Heard Mr. K. N. Choudhury, learned Sr. Counsel assisted by Mr. P. Mahanta; Mr. D. Goswami; Mr. M. A. Choudhury; and Mr. M. K. Sarma, learned counsel for the petitioners. Also heard Mr. C. Baruah, learned Standing Counsel, Assam Public Service Commission (APSC).

In this bunch of writ petitions, issue involved is erroneous evaluation of answers given by the petitioners in the *Combined Competitive Examination (Preliminary), 2018* conducted by APSC and resultant claim to appear in the mains examination.

On 29.05.2019, this Court passed the following order:-

*“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."*

Thus it would be evident from the above that as an interim measure this Court had allowed the petitioners to submit their application forms for the *Combined Competitive (Mains) Examination, 2018* with direction to the APSC to accept such norms. Further direction was that APSC should make necessary verification of the claims of the petitioners.

It is submitted that following such interim direction of this Court, petitioners had submitted their application forms which were accepted by APSC whereafter admit cards were issued to them for the mains examination which were scheduled to commence from 22.07.2019. However, in view of floods, the said examination was deferred and is now re-scheduled on 02.08.2019 onwards.

APSC has filed a common counter affidavit covering all the cases, treating WP(C) No. 3228/2019 (*Syeda Mishali Naza Vs State of Assam*) as the lead case.

It is stated in the affidavit that preliminary examination was held on 30.12.2018 and results declared on 13.03.2019. 3361 candidates qualified to appear in the main examinations. Answer keys alongwith cut-off marks for various categories were uploaded in the APSC website. APSC has acknowledged discrepancies in answers scripts in some of the subjects. APSC had sought for opinion of the paper setters/moderators. In the exercise which was carried out 406(+2 PWD) candidates further qualified for the mains examination. In so far petitioners are concerned, it is stated that their answer scripts were verified and the following petitioners have

Sl. No.	Name of Writ Petitioner	Writ Petition Number
1.	Soumyanil Baruah	WP(C) No. 3229/2019
2.	Jitul Chutia	WP(C) No. 3230/2019
3.	Niharan Dutta	WP(C) No.3231/2019
4.	Saptadeepa Purkayastha	WP(C) No. 3232/2019
5.	Jyotimala Doley	WP(C) No. 3342/2019
6.	Fazlul Karim Ahmed	WP(C) No. 3375/2019
7.	Khaleda Anam	WP(C) No.3376/2019
8.	Mayuri Hazarika	WP(C) No. 3381/2019
9.	Ajay Handique	WP(C) No. 3743/2019

been declared to have qualified for the mains examination.

In other words, the remaining 12 candidates have not been adjudged to have qualified for the mains examination. This includes petitioner of the lead case.

Mr. Choudhury, learned Sr. Counsel representing the petitioner in the lead case submits that she failed to achieve the qualifying marks by a mere 1 mark. Referring to the various questions where her answers were declared as not correct and thereby denied marks, he submits that a bare perusal thereof would go to show that answers given by the petitioner were correct. In this connection, he has specifically referred to Question No. 82 of the General Studies paper where the question was proportion of seats reserved for women as chairperson in gaon panchayat. The four options provided were as under:

(A)  $\frac{1}{2}$

(B)  $\frac{1}{3}$

(C)  $\frac{2}{3}$

(D)  $\frac{1}{4}$

Petitioner had marked option (B) as the correct answer but as per revised answer key the correct answer was shown as option (A).

Mr. Choudhury has taken the Court to provisions of Article 243 D of the Constitution of India and submits that the said provision clearly mentions that not less than  $\frac{1}{3}$  of the total number of offices of chairperson in the panchayats at each level shall be reserved for women. Therefore, the answer given by the petitioner is correct. Even if only this answer is treated to be correct, petitioner secures the qualifying marks.

Mr. Barua, learned standing counsel fairly submits that following the interim order of this Court dated 29.05.2019 APSC had allowed the petitioners to submit their applications and thereafter had issued admit cards to them. Because of deferment of the mains examination, fresh admit cards have been issued. In so far the 9 petitioners who have secured more than the cut-off marks on re-verification, admit cards will be issued. Regarding the remaining 12 candidates APSC will follow whatever order is passed by the High Court.

After hearing learned counsel for the parties and on due consideration, particularly taking

note of the interim order passed by this Court on 29.05.2019, Court is of the view that all the petitioners may be allowed to appear in the *Combined Competitive (Mains) Examination, 2018* which has been re-scheduled from 02.08.2019. However, their results shall not be declared and would be subject to outcome of the writ petitions.

Let the admit cards be uploaded in the website of the APSC during the course of the day.

Mr. C. Barua, learned Standing Counsel to communicate today's order to APSC.

List this bunch of cases on **04.09.2019**.

**JUDGE**

**Comparing Assistant**