

GAHC010104392018



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

Case No. : WP(C) 3357/2018

1:RIMA BORAH @ REEMA BORAH
D/O LT. RAVI BORAH
PERMANENT RESIDENT OF BISHWANATH CHARIALI, DIST. BISWANATH,
ASSAM
PRESENTLY RESIDING AT R/O 1106, VASTULASH, JIJA MATA ROAD, PUMP
HOUSE NO. ANDHERI (E), MUMBAI-93.

VERSUS

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

2:THE ASSAM PUBLIC SERVICE COMMISSION (APSC)
JAWAHAR NAGAR
KHANAPARA
GUWAHATI - 781022
DIST. KAMRUP (M)
ASSAM
REP. BY ITS CHAIRMAN.

3:THE SECRETARY
ASSAM PUBLIC SERVICE COMMISSION (APSC)
JAWAHAR NAGAR
KHANAPARA
GUWAHATI -22
DIDST. KAMRUP (M)
ASSAM

4:THE DEPUTY SECRETARY
ASSAM PUBLIC SERVICE COMMISSION (APSC)
JAWAHAR NAGAR
KHANAPARA

GUWAHATI-22
DIST. KAMRUP (M)
ASSA

Advocate for the Petitioner : MR. S BORTHAKUR

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE HRISHIKESH ROY**

O R D E R

25.05.2018

The petitioner is a post graduate diploma holder (Page-15) specializing in *Direction* from the *Film & Television Institute of India*, Pune (hereinafter referred to FTII) and currently she is serving as an Assistant Professor of *Direction* on contract basis in her alma mater, on the strength of the appointment order dated 26.12.2017 (Page-30).

The Assam Public Service Commission (APSC) issued the Advertisement No.1/2018 on 17.2.2018 (Page-33) and initiated the process for selection of Lecturer in *Film Direction* for the Government Film & Television Institute the Cultural Affairs Department. The faculty vacancies in Audiography, Sound Engineering, Auditing and Motion Picture Photography etc. were also advertised for the same Institute.

The petitioner offered her candidature and was expecting to participate in the selection exercise but surprisingly the APSC has declared the result on 8.5.2018 (Annexure-P) whereby, the candidates were recommended for the other four Disciplines. However, it was declared that no eligible candidate is available for consideration for appointment as Lecturer in *Film Direction*.

The learned Counsel Mr. S. Borthakur refers to the essential qualification mentioned in the advertisement to project that the petitioner has the requisite qualification and experience for the post of Lecturer in *Film Direction* and she can say with confidence that at least one eligible candidate was definitely in the fray for the advertised vacancy.

As regards the *rejection* of candidates in the other Disciplines, Mr. Borthakur points out that the precise ground for *rejection* is mentioned, whereas for the post of *Film Direction*, there is no

mention as to why the petitioner's candidature has not been considered to be eligible.

In view of above, let Notice returnable in 4 weeks be issued. Mr. D. Nath, the learned Addl. Senior Government, Advocate accepts notice for the respondent No.1. Mr. R.K. Talukdar, learned Standing Counsel for the APSC accepts notice for the respondent Nos.2, 3 & 4. Necessary extra copies be furnished to both lawyers.

JUDGE

Comparing Assistant