



GAHC010215302023



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

**Case No. : WP(C)/5655/2023**

PRANJAL PRATIM GOSWAMI AND 78 ORS  
S/O. RAMESH CHANDRA GOSWAMI,  
R/O. VILLAGE AND P.O. HEKRA,  
P.S. BOKO, PIN CODE 781127  
DISTRICT KAMRUP, ASSAM

2: SHARBAL KHAN  
S/O. LATE MONGAL KHAN

R/O. VILLAGE RANGIA NADIR PAM  
P.S. SARTHEBARI  
P.O. BAGODI

DISTRICT BARPETA  
ASSAM.  
PIN CODE 781311

3: SUMAL DAS  
S/O. RAJEN DAS

R/O. VILLAGE NAGAYAN BARUA CHOOK  
P.O. AND P.S. SOOTEA

DISTRICT SONITPUR  
ASSAM.  
PIN CODE 784175

4: PRABIN DAS  
S/O. BULU RAM DAS

R/O. VILLAGE SARULAH

P.O. SRIHAT  
P.S. SUALKUCHI



DISTRICT KAMRUP  
ASSAM.  
PIN CODE 781103

5: APURBA KUMAR DEKA  
S/O. DHIREN DEKA

R/O. VILLAGE AND P.O. MAJORKURI

DISTRICT KAMRUP  
ASSAM.  
PIN CODE 781101

6: BAREN NATH  
S/O. RABIRAM NATH

R/O. VILLAGE DHAMDHAMA  
DISTRICT NALBARI  
ASSAM.  
PIN CODE 781349

7: RANJU SAIKIA  
S/O. LATE THAGI SAIKIA

R/O. VILLAGE TEOK RAJABARI

P.O. TEOK RAJABARI

DISTRICT JORHAT  
ASSAM.  
PIN CODE 785112

8: ARADHANA SAIKIA  
C/O. STATE VETERINARY HOSPITAL CAMPUS  
P.O. PHUKAN NAGAR

DISTRICT SIVASAGAR  
ASSAM.  
PIN CODE 785640

9: AMAR JYOTI BORAH  
S/O. GOPAL BORAH

R/O. VILLAGE GOALGAON

DISTRICT MAJULI  
ASSAM.



PIN CODE 785104

10: ABDUR RAHIM SARKAR  
S/O. LATE FOYJAR RAHMAN SARKAR

R/O. VILLAGE KATANGA SATDUBI PART - II  
P.O. PATAKATA  
PIN CODE 783127  
DISTRICT SOUTH SALMARA MANKACHAR  
ASSAM

11: NABAJIT DUWARIA  
S/O. TUNIRAM DUWARIA

R/O. VILLAGE MOHKINA GAON

P.S. GARMUR  
PIN CODE 785104  
DISTRICT MAJULI  
ASSAM

12: CHANDRA JYOTI OZAH  
S/O. LATE SONARAM OZAH

R/O. VILLAGE TATAYA GAON

DISTRICT MAJULI  
ASSAM.  
PIN CODE 785106

13: BABUL NATH  
S/O. MANIRAM NATH

R/O. VILLAGE SONARAITI

P.O. RANGACHALI MAJULI

DISTRICT MAJULI  
ASSAM.  
PIN CODE 785104

14: MANTU KAKATI  
S/O. RAMESWAR KAKATI

R/O. VILLAGE KAMARPANI GAON

P.O. NANOI  
P.S. SADAR



DISTRICT NAGAON  
ASSAM.  
PIN CODE 782101

15: MONZIL KOTOKY  
S/O. ROTNESWAR KOTOKY

R/O. TITABOR BHAGAWATIPARA  
P.O. TITABOR  
PIN CODE 785101  
DISTRICT JORHAT  
ASSAM

16: SYED ABDUL MUKADISH  
S/O. LATE ABDUL WAHEB

R/O. 2 NO. CHOULKORA VILLAGE

P.O. AKHAIPHUTIA

DISTRICT SIVASAGAR  
ASSAM.  
PIN CODE 785697

17: MANALISA DOLOI  
C/O. NARAYAN DEKA

R/O. VILLAGE NO. 1 RABINGAON

KENDUBAM BAGISA

P.O. AND P.S. KHETRI

DISTRICT KAMRUP  
ASSAM.  
PIN CODE 782403

18: MUNINDRA DEKA  
S/O. LATE TARANATH DEKA

R/O. VILLAGE TETELIA  
P.S. HAJO

DISTRICT KAMRUP  
ASSAM.  
PIN CODE 781108



19: TARUN BARUAH  
S/O. BIRESWAR BARUAH

R/O. VILLAGE BORPACHI GAON

P.O. TIPOMIA (TITABOR)

DISTRICT JORHAT  
ASSAM  
PIN CODE 785630

20: DEBOLATA DEORI  
C/O. HAREN DEORI

R/O. VILLAGE NAMHALLENG BIJOYPUR DEORIGAON  
P.O. HOLONG GATIBARI

DISTRICT TINSUKIA  
ASSAM.  
PIN CODE 786160

21: KUSHAL CHANDRA DAS  
S/O. SARAT CHANDRA DAS

R/O. VILLAGE BAJALBARIGAON

P.O. BARUAJAN  
P.S. TITABOR

DISTRICT JORHAT  
ASSAM.  
PIN CODE 785101

22: BHUPEN SAIKIA  
S/O. MR BHOGESWAR SAIKIA

R/O. VILLAGE - 2 NO. SOLOGURI BOMPATHAR  
P.O. TIPOMIA

DISTRICT JORHAT  
ASSAM.  
PIN CODE 785630

23: BIREN KACHARI  
S/O. LATE BHOLA KANTA KACHARI

R/O. VILLAGE NO. 2 SOLOGURI BOMPATHAR  
P.O. TIPOMIA



DISTRICT JORHAT  
ASSAM.  
PIN CODE 785630

24: MANOJ KUMAR NATH  
S/O. LATE GHANA KANTA NATH

R/O. VILLAGE KABEICHUBA

P.S. SIPAJHAR  
PIN CODE 784145  
DISTRICT DARRANG  
ASSAM

25: BHARATI GOGOI  
C/O. MADAN KANDIQUE

R/O. VILLAGE KANWARIBARI NO. 1 KOTHAIKUNDA  
P.O. SEPEKHATI CHARAIDEO  
PIN CODE 785692  
DISTRICT CHARAIDEO  
ASSAM

26: RUCHIMAI TAMULI  
S/O. TEPURAM TAMULI

R/O. VILLAGE CHELENGHAT  
JORHAT  
PIN CODE 785636  
DISTRICT JORHAT  
ASSAM

27: BIKASH JYOTI DAS  
S/O. LATE NARAYAN CHANDRA DAS

R/O. VILLAGE PATHEKAKURI

P.O. SOOTEA  
PIN CODE 784175  
DISTRICT SONITPUR  
ASSAM

28: BEDANTA DUTTA  
S/O. LATE KUMUD DUTTA

R/O. VILLAGE SALAGURI PAHIGAON



P.O. KALOOGAON  
PIN CODE 785666  
DISTRICT SIVASAGAR  
ASSAM

29: BALIN SARMAH  
S/O. MR MANIK SARMAH

R/O. VILLAGE BARPATTHAR HAZARIGAON  
DISTRICT GOLAGHAT  
ASSAM.  
PIN CODE 785602

30: MANASH PRATIM SAIKIA  
S/O. KRISHNA KAMAL SAIKIA

R/O. SAIKIA CHUBURI BARJHAR

P.O. DEKARGAON

DISTRICT SONITPUR  
ASSAM.  
PIN CODE 784501

31: RUPJYOTI BHUYAN  
S/O. SEITHPUR  
BARPETA ROAD

WARD NO. 8  
P.O. SIMALAGURI

DISTRICT BARPETA  
ASSAM.  
PIN CODE 781313

32: BARUN KUMAR SINGHA  
S/O. LATE BABA CHAND SINGHA  
R/O. VILLAGE AND P.O. KAPTANPUR PART - I  
P.S. LAKHIPUR

DISTRICT CACHAR  
ASSAM.  
PIN CODE 788119

33: PROTIMA GOGOI  
C/O. BIPUL CHUTIA

R/O. VILLAGE PUNJAA PATH (DEOLIAKHAT)



P.S. SIVASAGAR

DISTRICT SIVASAGAR  
ASSAM.  
PIN CODE 785640

34: DIPAK KUMAR NATH  
S/O. LATE DHARMA KANTA NATH

R/O. VILLAGE BAHUABHETI  
P.O. KACHOMARI  
P.S. SADAR

DISTRICT NAGAON  
ASSAM.  
PIN CODE 782002

35: BHARAT CHANDRA SAIKIA  
S/O. LATE GHANASHYAM SAIKIA

R/O. VILLAGE KUBAIKATA

P.O. DHANIABHETI

DISTRICT NAGAON  
ASSAM.  
PIN CODE 782122

36: PINJU RANI DEVI  
C/O. KAMESWAR KAKOTI

R/O. VILLAGE BORJAMUGURI

P.O. JAJORI  
PIN CODE 782142  
DISTRICT NAGAON  
ASSAM

37: BUBUL CHANDRA BORA  
S/O. LATE MANIK CHANDRA BORA

R/O. DERGAON MOUZADAR ALI

WARD NO. 8  
P.O. DERGAON

DISTRICT GOLAGHAT  
ASSAM.





PIN CODE 785614

38: BIPUL SAIKIA  
S/O. HAREN SAIKIA

R/O. VILLAGE SARALA BARUA CHOWK

P.O. SOOTEA

DISTRICT BISWANATH  
ASSAM

39: MRIDU PABAN BORA  
S/O. GHANA KANTA BORA

R/O. VILLAGE AND P.O. CHIRAKHUNDA GAON  
PIN CODE 785666  
DISTRICT SIVASAGAR  
ASSAM

40: SIDHARTHA SANKAR SAIKIA  
S/O. SRI BHOGESWAR SAIKIA

R/O. TITABOR PATGAON

P.O. MELAMATI  
P.S. TITABOR

DISTRICT JORHAT  
ASSAM.  
PIN CODE 785101

41: MD SHAHIDUR RAHMAN  
S/O. SAFIOR RAHMAN

R/O. VILLAGE TIAMARI PART - II  
P.O. TIAMARI

DISTRICT DHUBRI  
ASSAM.  
PIN CODE 783331

42: L. LAIRANGTOMBI SINGHA  
S/O. Y. BROJENDRA SINGHA

R/O. VILLAGE AND P.O. RAJYESWARPUR PART - 2  
DISTRICT HAILAKANDI  
ASSAM.



PIN CODE 788151

43: BIRINCHI MEDHI  
S/O. DHENURAM MEDHI

R/O. VILLAGE KARHALGAON NO. 2

P.O. DAKHINPAT SATRA

DISTRICT UJONI MAJULI  
ASSAM.  
PIN CODE 785102

44: DILEEP KUMAR DAS  
S/O. LATE BHAGWAN CHANDRA DAS

R/O. VILLAGE GOSAIPARA

DISTRICT BONGAIGAON  
ASSAM.  
PIN CODE 783380

45: PARISHMITA SAIKIA  
D/O. RISESWAR SAIKIA  
R/O. VILLAGE AND P.O. GAYAN GAON

DISTRICT MAJULI  
ASSAM.  
PIN CODE 785110

46: PRABIN RAJBONGSHI  
S/O. LATE MOHAN RAJBONGSHI

R/O. VILLAGE ALENGIDAL

P.O. BHANDRA  
PIN CODE 781334  
DISTRICT NALBARI  
ASSAM

47: PANKAJ BARMAN  
S/O. LATE BASANTA BARMAN

R/O. VILLAGE JAPARKUCHI

P.O. CHOWKBAZAR

DISTRICT NALBARI



ASSAM.  
PIN CODE 781334

48: PRASANTA MADHAB SAIKIA  
S/O. LATE JATIN SAIKIA

R/O. VILLAGE DIKHOMUKH BHARALUA  
DISTRICT SIVASAGAR  
ASSAM.  
PIN CODE 785664

49: DWIPEN SARMAH  
S/O. LATE PRABATI CHANDRA SARMA  
R/O. RANGIA TINIALI  
WARD NO. 7

P.O. RANGIA

DISTRICT KAMRUP  
ASSAM

50: NAZRUL ISLAM  
S/O. LATE KALIMUDDIN AHMED

R/O. VILLAGE MURAL KUCHO

DISTRICT NALBARI  
ASSAM.  
PIN CODE 781303

51: RUBUL HOQUE  
S/O. SAYED BASIR ALI

R/O. VILLAGE RAJA BAZAR

P.O. KALITA KUCHI  
PIN CODE 781102  
DISTRICT KAMRUP  
ASSAM

52: DEBAJIT BORAH  
S/O. TARANATH BORAH

R/O. VILLAGE THENGAL GAON

P.O. JALKANIBARI

DISTRICT JORHAT



ASSAM.  
PIN CODE 785630

53: DIPAK KOIBARTA  
S/O. SRI KINARAM KOIBARTA  
R/O. VILLAGE GARGARA

P.O. SIKARHATI  
P.S. PALASHBARI

DISTRICT KAMRUP  
ASSAM.  
PIN CODE 781125

54: RAJUMONI BORA  
S/O. LATE PUHNA RAM BORA

R/O. VILLAGE AND P.O. MAJPATHARI

P.S. ITACHALI  
PIN CODE 782003  
DISTRICT NAGAON  
ASSAM

55: KISHORE THAKURIA  
S/O. HIRENDRA THAKURIA

R/O. VILLAGE DHUMGORA

P.O. AG-GUMI  
PIN CODE 781124  
DISTRICT KAMRUP  
ASSAM

56: ANJAN JYOTI DAS  
S/O. CHANDRA KANTA DAS

R/O. VILLAGE BORKUCHI NIZESWARY GAON  
P.O. MIRZA  
PIN CODE 781125  
DISTRICT KAMRUP  
ASSAM

57: DIPUL DEKA  
S/O. CHANDRA KANTA DEKA

R/O. VILLAGE AND P.O. NIAZ NAMATI  
DISTRICT NALBARI



ASSAM.  
PIN CODE 781355

58: PRADIP DAS  
S/O. LATE NITYANANDA DAS

R/O. VILLAGE MOLIA GAON

P.O. DHEKIAL

DISTRICT GOLAGHAT  
ASSAM

59: CHANDAN CHARAN CHUTIA  
S/O. LATE PADMADHAR CHUTIA

R/O. VILLAGE NA PAMUAH GAON  
P.O. SALIKIGHAT  
PIN CODE 785625  
DISTRICT GOLAGHAT  
ASSAM

60: JAYANTA KAKATI  
S/O. LATE BOLORAM KATAKI

R/O. VILLAGE KHANAGURI

P.O. SOOTEA  
PIN CODE 784175

DISTRICT SONITPUR  
ASSAM

61: MD SIDDIQUE ALI KHAN  
R/O. VILLAGE AND P.O. JAHURPAM  
DISTRICT BARPETA  
ASSAM.  
PIN CODE 781314

62: DHIRAJ KAKATI  
S/O. ROBINDRA NATH

R/O. VILLAGE AND P.O. SEHAPATIPARA

DISTRICT DARRANG  
ASSAM.  
PIN CODE 784147



63: MANSUR ALI  
S/O. UMAR ALI

R/O. VILLAGE NATUN SIMINA

P.O. BARDUAR  
PIN CODE 781120  
DISTRICT KAMRUP (M)  
ASSAM

64: BHABESH DAS  
S/O. LATE CHITTARANJAN DAS

R/O. VILLAGE AND P.O. MATIA

DISTRICT GOALPARA  
ASSAM.  
PIN CODE 783125

65: KIRAN CHANDRA NATH  
S/O. BHOLARAM NATH

R/O. VILLAGE BARMANGOR

P.O. GARUKHUTI  
PIN CODE 784145

DISTRICT DARRANG  
ASSAM

66: ALTAF HUSSAIN LASKAR  
S/O. NISAR ALI LASKAR

R/O. VILLAGE KAPNARPAR

P.S. ALGAPUR  
PIN CODE 788150  
DISTRICT HAILAKANDI  
ASSAM

67: SAMAR SAHARIA  
S/O. MOHAN SAHARIA

R/O. VILLAGE AND P.O. BARANGABARI  
DISTRICT DARRANG  
ASSAM.  
PIN CODE 784522



68: KRISHNA KANTA SARMA  
S/O. LATE DHARMASWAR SARMA

R/O. VILLAGE AND P.O. GERUAH

DISTRICT KAMRUP  
ASSAM.  
PIN CODE 781102

69: RUPESWAR PEGU  
S/O. UMESH CHANDRA PEGU

R/O. VILLAGE BECHAMARA

P.O. SUBHALI  
PIN CODE 787057

DISTRICT DHEMAJI  
ASSAM

70: DANDESWAR PHUKAN  
S/O. FATIK PHUKAN

R/O. VILLAGE BHATI PHUKAN GAON

P.O. GHELAMARA  
PIN CODE 787053  
DISTRICT LAKHIMPUR  
ASSAM

71: ISWAR PATHAK  
S/O. DULAL PATHAK

R/O. VILLAGE SONARI GAON

P.O. SILGHAT  
PIN CODE 782143

DISTRICT NAGAON  
ASSAM

72: ANTUL DAS  
S/O. LATE DHRUBA DAS

R/O. VILLAGE AND P.O. JALKHANA

DISTRICT NALBARI  
ASSAM.



PIN CODE 781374

73: SONJIB KUMAR GOGOI  
S/O. JUGEN GOGOI

R/O. VILLAGE 2 NO. KACHALUPATHAR

P.O. TINGKHONG  
PIN CODE 786612  
DISTRICT DIBRUGARH  
ASSAM

74: BIDYUT CHETIA  
S/O. LATE DIPESH CHETIA

R/O. VILLAGE BETBARI CHETIA KAIBARTA GAON  
P.O. MITHAPUKHURI

DISTRICT SIVASAGAR  
ASSAM.  
PIN CODE 785697

75: BIJOY KUMAR DAS  
S/O. LATE GOPAL CHANDRA DAS

R/O. VILLAGE AND P.O. SIMLITOLA

DISTRICT GOALPARA  
ASSAM.  
PIN CODE 783130

76: DULAL CHANDRA BARUAH  
S/O. LATE MAHENDRA NATH BARUAH

R/O. VILLAGE AND P.O. PUBTHARIA

DISTRICT NAGAON  
ASSAM

77: MONORANJAN DAS  
S/O. SRI PARESH DAS

R/O. VILLAGE HABIAL GAON

P.O. GANOK PUKHURI

DISTRICT GOLAGHAT  
ASSAM.





PIN CODE 785622

78: KHANINDRA DUTTA  
S/O. LATE PRATAP DUTTA

R/O. VILLAGE MAJGAON

P.O. MACHKHOWA  
PIN CODE 787058  
DISTRICT DHEMAJI  
ASSAM

79: DIP KUMAR DAS  
S/O. LATE GIRINDRA CHANDRA DAS  
R/O. VILLAGE BAMUNPARA

DISTRICT GOALPARA  
ASSAM.  
PIN CODE 78312

VERSUS

THE STATE OF ASSAM AND 2 ORS  
THROUGH -  
THE SECRETARY, TO THE GOVERNMENT OF ASSAM, HANDLOOM,  
TEXTILES AND SERICULTURE DEPARTMENT, DISPUR,  
GUWAHATI - 781006

2:THE DIRECTOR OF SERICULTURE  
ASSAM  
KHANAPARA

GUWAHATI - 781022

3:THE CHAIRMAN  
SELECTION COMMITTEE FOR THE POST OF SERICULTURE  
DEMONSTRATOR  
KHANAPARA  
GUWAHATI - 78102

**Advocate for the Petitioner** : MR H R A CHOUDHURY, MR. F A HASSAN

**Advocate for the Respondent** : SC, HANDLOOM, TEXTILE AND SERICULTURE,



Linked Case : WP(C)/5882/2023

DIPANKAR KHOUND AND 25 ORS  
C/O- HEMCHANDRA KHOUND

VILL.- CHATIAL GAON

P.O./ P.S.- SOOTEA

DIST.- SONITPUR (ASSAM)

PIN- 784175.

2: DIPAMONI BORGOHAIN  
C/O- CHANDRAKANTA BORGOHAIN

VILL.-BALICHAPORI DEKA GAON

P.O.- HATIGARH BALICHAPORI

DIST.- JORHAT (ASSAM)

PIN- 785101.

3: HEMANTA KHANIKAR  
C/O- LATE KAMESWAR KHANIKAR

VILL./P.O.- CHARING CHAMUA KHANIKAR

P.S.- GOURISAGAR

DIST.- SIVSAGAR (ASSAM)

PIN- 785661.

4: NEELKAMAL SAIKIA  
S/O- SUREN SAIKIA

VILL.-MELENG BORGURI

P.O.- CHOWKHAT

P.S.- JORHAT

DIST.- JORHAT (ASSAM)

PIN- 785101.



5: GAYATRI BHUYAN  
C/O- SATYAJIT SAIKIA

VILL. AND P.O.- BHATIAPAR

P.S.- SIVSAGAR (JOYSAGAR)

DIST.- SIVSAGAR (ASSAM)

PIN- 785667.

6: MD. TAUFIQUEDDIN AHMED  
C/O- LATE BADARUDDIN AHMED

VILL.- DOPDAR URIABOSTI

P.O.- DOPDAR

P.S.- HALUWATING

DIST.- SIVSAGAR (ASSAM)

PIN- 785681.

7: SIMANTA GOGOI  
C/O- SRI RUPESWAR GOGOI

VILL.- KUKURACHOWA

P.O.- DOPDAR

DIST.- SIVSAGAR (ASSAM)

PIN- 785681.

8: RAMEN BORAH  
C/O- LATE DEBEN BORAH

VILL.- NO.-2 CHAULKORA

P.O.- AKHOIPHUTIA

DIST.- SIVSAGAR (ASSAM)

PIN-785681.

9: RANTU MONI BORAH  
C/O SRI JUGAL CH BOTRAH



VILL- SARUKATHANI

P.O- HOWAJAN  
P.S.- BIHPURIA

DIST- LAKIHIMPUR

PIN NO-784169.

10: KAPIL KUMAR PHUKAN  
C/O SRI CHAKRESWAR PHUKIAN

VILL.-DORIKIAL GAON

P.O.- NAKACHARI  
P.S.- MARIANI

DIST.- JORHAT (ASSAM)

PIN CODE- 785635.

11: ANKURAN SAIKIA  
C/O- DHARMESWAR SAIKIA

VILL- BOKOLAI

DIST- GOLAGHAT (ASSAM)

PIN- 7856625.

12: POBITRA GOGOI  
C/O- LATE BIREN GOGOI

P.O.- MORANGI  
P  
S.- GOLAGHAT

DIST- GOLAGHAT (ASSAM)

PIN CODE- 785702.

13: PARTHA PROTIM BORAH  
C/O- SRI TOSHESWAR BORAH

VILL- KAROLI BARI GAON

P.O.- BOGAR GAON  
P.S.- TITABOR



DIST- JORHAT (ASSAM)

PIN- 785632.

14: HEMANTA KHATANIER  
C/O- SRI ARUN KHATANIER

VILL- BOGOR GAON

P.O.- BOGOR GAON  
P.S.- TITABOR

DIST- JORHAT (ASSAM)

PIN- 785632.

15: PARTHIB KAMAL BORAH  
C/O- JITEN CHANDRA BORAH

P.O.- BOGOR GAON  
P.S.- TITABOR

DIST- JORHAT (ASSAM)

PIN- 785632.

16: MADINI RANJAN KONWAR  
C/O- DURGESWAR KONWAR

P.O.- NEMUGURI  
P.S.- NEMUGURI

DIST- SIBSAGAR (ASSAM)

PIN- 785674.

17: BIRAJ KUMAR PHUKAN  
C/O- ROBIN CH. PHUKAN

P.O. AND P.S.- SIVSAGAR

DIST- SIVSAGAR (ASSAM)

PIN- 785640.

18: DIPANKAR DAS  
C/O- LAKHESWAR DAS



P.O AND P.S.- SIVSAGAR

DIST- SIVSAGAR (ASSAM)

PIN- 785640

19: UPAKUL GOGOI  
C/O- MR. BIMAL CH. GOGOI

P.O- DIKSHU  
P.S.- NAMTI

DIST- SIVSAGAR (ASSAM)

PIN- 785684.

20: ABHILASH ANKUL GOGOI  
C/O- MR. JITEN GOGOI

P.O.- BOLOMA  
P.S.- TEOK

DIST- JORHAT (ASSAM)

PIN- 785112.

21: RANJAN DUTTA  
C/O- RAJENDRA NATH DUTTA

P.O. AND P.S.- PULIBOR

DIST- JORHAT (ASSAM)

PIN- 785006

22: KARUNA SAGAR SAIKIA  
C/O- PADMESWARI SAIKIA

P.O. AND P.S.- GAURISAGAR

DIST- SIVSAGAR (ASSAM)

PIN- 785664

23: RAKESH DUTTA  
C/O- SOURAV DUTTA



P.O.- KOWADONGA

P.S.- LAKHIMPUR

DIST- LAKHIMPUR (ASSAM)

PIN- 787031

24: ASHIM SAIKIA  
C/O- MR. BHADRESWAR SAIKIA

VILL- JAKHARIA  
P.O.- JAKHARIA

P.S.- TEOK  
DIST- JORHAT (ASSAM)

PIN- 785112

25: SHYAMAL KASHYAP SARMA  
C/O- SRI JATINDRA SARMA

VILL- NO- 2 GHARASHAL

P.O.- BYASPARA

DIST- DARRANG (ASSAM)

PIN- 787145

26: RAJIB CHAKRABORTY  
C/O- PARESH CH. CHAKRABORTY

VILL.-SAPATGRAM W/NO-4

P.O. AND P.S.- SAPATGRAM

DIST- DHUBRI (ASSAM)

PIN- 783337  
VERSUS

THE STATE OF ASSAM AND 2 ORS  
REPRESENTED BY-  
THE SECRETARY TO THE GOVERNMENT OF ASSAM

HANDLOOM TEXTILES AND SERICULTURE DEPARTMENT



DISPUR  
GUWAHATI- 781006.

2:THE DIRECTOR OF SERICULTURE  
ASSAM  
KHANAPARA  
GUWAHATI- 781006.

3:THE CHAIRMAN  
SELECTION COMMITTEE FOR THE POST OF SERICULTURE  
DEMONSTRATOR  
KHANAPARA  
GUWAHATI- 781007.

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Advocate for : MR. B. DAS  
Advocate for : SC  
HANDLOOM  
TEXTILE AND SERICULTURE appearing for THE STATE OF ASSAM AND 2 ORS

**B E F O R E**

**HON'BLE MR. JUSTICE SANJAY KUMAR MEDHI**

**JUDGMENT & ORDER**

Advocates for the petitioners: Shri H.R.A. Choudhury, Senior Advocate  
assisted by Shri F.A. Hasan, Advocate in WP(C)/5655/2023.  
Shri B. Das, Advocate in WP(C)/5882/2023

Advocates for the respondents : Shri R. Dhar, State Counsel

**Date of hearing : 01.08.2024**

**Date of judgment : 01.08.2024**

Both these writ petitions being connected wherein similar reliefs have been prayed, the same are taken up for analogous hearing and are being disposed of by this common judgment and order.





**2.** As per the facts projected, the petitioners have the requisite qualification for appointment to the post of Sericulture Demonstrator under the Directorate of Sericulture, Assam.

**3.** As per the Rules holding the field namely, the Assam Sericulture Technical and Miscellaneous (Non Gazetted) Service Rules, 2008, Rule 5 (3) lays down the eligibility criteria for the candidates and the petitioners claim to have fulfilled all such eligibility criteria. To be specific, the Rule contemplates as follows:

(a) HSLC examination passed with one year Certificate Training Course from Sericultural Training Institute, Titabor, Jorhat up to 1996-97 batch.

or

(b) HSSLC (Science) examination passed or equivalent with one year Certificate Training Course from Sericultural Training Institute, Titabor, Jorhat from 1997-98 onwards batch.

**4.** A recruitment drive for the aforesaid post was made by an advertisement dated 01.03.2023. The age however was stipulated to be in the range of 18 years to 40 years. As the petitioners were over aged, they had approached this Court by filing various writ petitions, the lead case being WP(C)/1469/2023. The said writ petitions were disposed of by this Court vide order dated 17.03.2023 whereby there was a direction to consider the representations of the petitioners for condonation of age. The overage was condoned and accordingly, the petitioners had applied. The present grievance of the petitioners is with regard to the introduction of the aspect of written examination in the selection to be held. The primary contention advanced is that in all previous recruitment process, the same were done on the basis of the marks obtained in the training which the petitioners are required to undergo and is an essential requirement to



be eligible. However, in the present recruitment process, the written examination has been prescribed which had been termed to be unreasonable.

**5.** I have heard Shri H.R.A. Choudhury, learned Senior Counsel assisted by Shri F.A. Hasan, learned counsel for the petitioners in WP(C)/5655/2023. I have also heard Shri B. Das, learned counsel for the petitioners in WP(C)/5882/2023. The respondents - Department is represented by Shri R. Dhar, the learned State Counsel who has also filed affidavit in the first writ petition with a contention that the same would also cover the second writ petition, as the issues are analogous.

**6.** Shri Choudhury, the learned Senior Counsel, by referring to certain earlier recruitments has submitted that all such recruitments have been made on the basis of walk-in-interview. In this regard, he has drawn the attention of this Court to the documents pertaining to recruitment for the post of Sericulture Demonstrator held in the years 2004, 2014, 2015, 2016 and 2018. It is submitted that the petitioners are sufficiently aged and it will be difficult for them to compete with the others who are younger in age. This Court has however been informed that so far as the petitioner no. 35 is concerned, after filing of this case, he has passed away.

**7.** Shri B. Das, the learned counsel while endorsing the submissions of the learned Senior Counsel has further referred to certain appointments to the said post of Sericulture Demonstrator which were done on the basis of seniority and it is contended that the said practice has been followed.

**8.** *Per contra*, Shri Dhar, the learned State Counsel has at the outset submitted that the Directorate of Handloom, Textiles and Sericulture has no control over the Sericulture Institute which is an autonomous body and therefore, the



assessment done by the said Institute over certain training cannot be the basis of the recruitment.

**9.** By drawing the attention of this Court to the affidavit-in-opposition filed on 02.02.2024 in WP(C)/5655/2023, the learned State Counsel has referred to the averments made in paragraph 4. It is averred that the earlier appointment procedure was not done in a scientific manner and there was no specific procedure to examine the competency of the candidates. It is also stated that in the Training Institute, only certain skills are imparted which will not do away with the requirement to compete in an open selection.

**10.** The learned State Counsel has also highlighted the aspect that the employer should be given the prerogative to adopt the most suitable method to select the best candidate out of the lot and an introduction of a written test cannot be argued to be unreasonable or arbitrary. He submits that such introduction, on the contrary would enhance the public trust in the recruitment process as it would rule out any apprehension of bias or favouritism in a process where recruitment is done only by interview.

**11.** Shri Dhar, the learned State Counsel, in support of his submissions has relied upon the following case laws:

**(i) *Lila Dhar vs. State of Rajasthan and Ors. [(1981) 4 SCC 159]***

**(ii) *Vijay Syal & Anr. Vs. State of Punjab & Ors. [(2003) 9 SCC 401]***

**(iii). *Tajvir Singh Sodhi & Ors. Vs. The State of Jammu and Kashmir and Ors. [2023 0 AIR (SC) 2014]***

**12.** The learned State Counsel has submitted that in the instant process adopted, the Board of Secondary Education Assam (SEBA) has been engaged for the selection process so as to ensure that the same is done in a fair and



transparent manner. He has also submitted that an interim order is operating for which the examination has been deferred which is adversely affecting the public interest.

**13.** The rival submissions have been duly considered.

**14.** The advertisement was issued on 01.03.2023 wherein the eligibility criteria were notified. Such eligibility criteria, so far as the educational qualification and completion of one year certificate training course is concerned, appear to be in consonance with Rule 5 (3) of the Rules. The advertisement however did not specify the manner which would be adopted to make the selection. The initial grievance of the petitioners was on the aspect of age. The said grievance however appears to have been redressed by this Court vide the order dated 17.03.2023, whereafter the petitioners had applied for the post. The mode of selection has been notified on 25.08.2023 wherein the aspect of written examination has been introduced. The components of the question paper which would be of 100 marks have also been notified including the various subjects / aspects and the marks allotted for such subjects /aspects. As submitted, such written test would be held under the aegis of Board of Secondary Education Assam.

**15.** The primary contention of the petitioners is that marks were allotted while undergoing the certificate training course from the Sericulture Training Institute and those marks should be made the basis of the recruitment. The petitioners have also emphasised that on earlier occasions, the same was taken to be the standard process.

**16.** Marks obtained in the training course cannot be directly related with a recruitment process for the post in question. A recruitment is done by making a



selection of the suitable candidates who apply for the said posts on the basis of such method adopted. Adopting the requirement of having a written test cannot, by any stretch of imagination be held to be arbitrary or unreasonable. Rather, in the opinion of this Court that will add to the aspect of maintaining a fair and transparent mode of selection. This Court has been apprised that while the total nos. of posts advertised is 140, the aspirants are about 260 which include the petitioners. The aspect of being over aged has already been addressed by this Court and the applications of the petitioners have been accepted. There is no reason as to why the petitioners would not be required to participate in the selection in which a written test as envisaged.

**17.** It is a settled position of law that for public employment, open competition is a pre-condition. While such competition is to be held by means of a selection, it should be the prerogative of the employer as to how a selection is to be made which can be by conducting a written test. It is only when any method adopted which is violative of any statute or any *mala fide* is able to be demonstrated, the Courts would interfere. Otherwise, the Court would be loath to interfere with any selection process.

**18.** In the case of *Lila Dhar* (supra), the Hon'ble Supreme Court was in seisin of the aspect of requirement of a written test in a selection process. After considering the various literatures on the subject including the views of experts, it was laid down as follows:

*“6. Thus, the written examination assesses the man's intellect and the interview test the man himself and "the twain shall meet" for a proper selection. If both written examination and interview test are to be essential features of proper selection, the question may arise as to the weight to be attached respectively to them. In the case of admission to a college, for instance, where the candidate's personality is yet to develop and it is too early to identify the personal qualities for which greater importance may have to be attached in later life, greater weight has per force to be given to*



*performance in the written examination. The importance to be attached to the interview-test must be minimal. That was what was decided by this Court in Periakaruppan v. State of Tamil Nadu, Ajay Hasia v. Khalid Mujib Sehravardi and other cases. On the other hand, in the case of services to which recruitment has necessarily to be made from persons of mature personality, interview test may be the only way, subject to basic and essential academic and professional requirements being satisfied. To subject such persons to a written examination may yield unfruitful and negative results, apart from its being an act of cruelty to those persons. There are, of course, many services to which recruitment is made from younger candidates whose personalities are on the threshold of development and who show signs of great promise, and the discerning may in an interview-test, catch a glimpse of the future personality. In the case of such services, where sound selection must combine academic ability with personality promise, some weight has to be given, though not much too great a weight, to the interview-test. There cannot be any rule of thumb regarding the precise weight to be given. It must vary from service to service according to the requirements of the service, the minimum qualifications prescribed, the age group from which the selection is to be made, the body to which the task of holding the interview-test is proposed to be entrusted and a host of other factors. It is a matter for determination by experts. It is a matter for research. It is not for courts to pronounce upon it unless exaggerated weight has been given with proven or obvious oblique motives. The Kothari Committee also suggested that in view of the obvious importance of the subject, it may be examined in detail by the Research Unit of the Union Public Service Commission."*

**19.** The Hon'ble Supreme Court in the case of **Vijay Syal** (supra), had reiterated the views expressed in the case of **Lila Dhar** (supra). In the said case, reference was also made to the case of **Ashok Kr. Yadav vs. State of Haryana** reported in **(1985) 4 SCC 417** and the following observations were made.

*"15. As regards the allocation of marks for interview, in paras 23 and 24 of the same judgment it is stated thus:*

*"23. This Court speaking through Chinnappa Reddy, J. pointed out in Lila Dhar v. State of Rajasthan that the object of any process of selection for entry into public service is to secure the best and the most suitable person for the job, avoiding patronage and favouritism. Selection based on merit, tested impartially and objectively, is the essential foundation of any useful*



*and efficient public service. So open competitive examination has come to be accepted almost universally as the gateway to public services. But the question is how should the competitive examination be devised? The competitive examination may be based exclusively on written examination or it may be based exclusively on oral interview or it may be a mixture of both. It is entirely for the Government to decide what kind of competitive examination would be appropriate in a given case. To quote the words of Chinnappa Reddy, J. 'in the very nature of things it would not be within the province or even the competence of the court and the court would not venture into such exclusive thickets to discover ways out, when the matters are more appropriately left' to the wisdom of the experts. It is not for the court to lay down whether interview test should be held at all or how many marks should be allowed for the interview test. Of course the marks must be minimal so as to avoid charges of arbitrariness, but not necessarily always. There may be posts and appointments where the only proper method of selection may be by a viva voce test. Even in the case of admission to higher degree courses, it may sometimes be necessary to allow a fairly high percentage of marks for the viva voce test. That is why rigid rules cannot be laid down in these matters by courts. The expert bodies are generally the best judges. The Government aided by experts in the field may appropriately decide to have a written examination followed by a viva voce test.*

*24. It is now admitted on all hands that while a written examination assesses the candidate's knowledge and intellectual ability, a viva voce test seeks to assess a candidate's overall intellectual and personal qualities. While a written examination has certain distinct advantages over the viva voce test, there are yet no written tests which can evaluate a candidate's initiative, alertness, resourcefulness, dependableness, cooperativeness, capacity for clear and logical presentation, effectiveness in discussion, effectiveness in meeting and dealing with others, adaptability, judgment, ability to make decision, ability to lead, intellectual and moral integrity. Some of these qualities can be evaluated, perhaps with some degree of error, by viva voce test, much depending on the constitution of the interview board."*

The views expressed in Lila Dhar (supra) was also endorsed and reiterated in the case of Tajvir Singh (supra).

**20.** In the instant case, the introduction of the written test for selection of the candidates appears to be in consonance with the requirement to have fairness and transparency in a public employment process. In view of the above, these



writ petitions are dismissed.

**21.** The interim orders operating are vacated and the authorities are directed to expeditiously conduct the selection in accordance with law.

**JUDGE**

**Comparing Assistant**