

WP(C) 8633/2003  
BEFORE  
HON'BLE MR. JUSTICE AMITAVA ROY

The petitioners, contenders for the post of Assistant Accounts Officer under the Administrative Control of the Director of Accounts and Treasuries, Assam, and empanelled in the select list(s) dated 3/11/2000 drawn up following a regular selection process seek an appropriate writ and/or direction to the respondents to provide them with appointment on the basis thereof.

I have heard Mr. N. Dutta, learned Sr. Counsel assisted by Mr. H. Thakuria, learned Counsel for the petitioners and Mr. B. Gogoi, learned Standing Counsel, Finance Department, for the State respondents. None appears for the Assam Public Service Commission (hereafter referred to as the Commission).

The petitioners' pleaded case is that in the selection process that was initiated to fill up 75 posts of Assistant Accounts Officer in the aforementioned establishment, they offered their candidature and participated therein. On the completion of the process that was conducted by the Commission, a select list dated 3/11/2000 was published containing the names of 208 candidates recommended by it for recruitment. An additional select list of the same date was also published meant for filling up future vacancies in which the names of the petitioners figure. Two other select lists also of the same date were published empanelling recommended candidates of the disabled category. The validity of the select list(s) was thereafter extended on the approval of the Commission upto 3/11/2003. As inspite of the above, the petitioners were not provided appointments and instead the concerned departmental authorities were found to be contemplating to appoint persons against the posts involved from beyond the select list(s) they (petitioners) approached this Court seeking redress.

By the order dated 7/10/2003, this Court while issuing notice of motion, in the interim directed the concerned respondent authority not to appoint any person as Assistant Accounts Officer beyond the select list prepared and published on 3rd November, 2000 and due to expire on 3rd November, 2003. Liberty was granted to them to make appointments, if so desired from the select list(s). The averments as above have remained uncontroverted in absence of any affidavit by the respondents.

Mr. Dutta has urged that not only the validity of the select list(s) meanwhile has been extended from time to time, appointments therefrom have also been made till the year 2005. The learned Sr. Counsel has referred to the official records bearing No. FEB5/2000Pt. I and FEB93/2007/106 to reinforce this contention. According to him therefore, in the facts and circumstances of the case, having regard to the fact that the petitioners on due selection had been empanelled in the select list, they are entitled to be treated at par with others so appointed.

Mr. Gogoi in reply has argued that having regard to the date of the select list, no such direction ought to be issued by this Court.

Upon hearing the learned Counsel for the parties and on a consideration of the pleaded assertions of the petitioners and the documents on record as well as the interim order dated 7/10/2003 noticed hereinabove, this Court considers it expedient to dispose of the present writ petition with the direction that in case the select list referred to hereinabove is/are in force or is/are sought to be extended and the concerned departmental authorities intend to make further appointments therefrom they would do so scrupulously following the order of merit of the candidates therein. This direction has been made inter alia for the reason that the petitioner had approached this Court at a point of time when the select list(s) was/were valid. It is however made clear that this order should not be construed to be a direction to the respondents to appoint the petitioners and the issue is left to them to be attended to in accordance with law. No costs.