

WP(C) 5511/2005
BEFORE
HON'BLE MR JUSTICE P K MUSAHARY

Heard Mr. R. P. Sarmah, learned senior counsel, appearing for the writ petitioners in WP(C) 5511/2005 & WP(C) 6475/2006 and Mr. D. K. Sarmah, learned counsel, appearing for the petitioners in WP(C) 3135/2009.

Also heard Mr. A. Deka, learned standing counsel for the Education Department.

It is submitted by the parties that similar writ petitions, namely, WP(C)5079/2004 & WP(C) 4065/2005, have been disposed of by this Court. This Court, vide judgment and order, dated 26.10.2009, while disposing of WP(C) 5079/2004, quashed the impugned order, dated 29.05.2004, as not sustainable in law and the respondent authorities were directed to implement the earlier order of this Court by publishing the select list prepared in the month of March, 2001, within a period of 2(two) months from the date of receipt of a certified copy of the order.

Incidentally, the aforesaid impugned order, dated 29.05.2004, in WP(C) 5079/2004, is similar to the impugned order, dated 21.05.2004, passed in the instant writ petitions, being WP(C) 5511/2005, WP(C) 6475/2006 and WP(C) 3135/2009.

Mr. Deka, learned standing counsel appearing for the Education Department, submits that the aforesaid judgment and order, dated 26.10.2009, passed in WP(C)5079/2004, covers the present cases and a similar order may be passed. However, he further submits that the order, that may be passed, by this Court, directing the respondent authorities to publish the Select list may not be treated as a precedent.

In view of the above submissions, the impugned order, dated 21.05.2004, passed in WP(C) 5511/2005, WP(C) 6475/2006 and WP(C) 3135/2009, shall stand quashed.

The respondent authorities are further directed to publish the Select list prepared by the District Level Selection Committee in the month of March, 2001, within a period of 3(three) months from the date of receipt of a certified copy of this order and the candidates who were found successful in the said Select list, shall be accorded appointments strictly in order of merit against the vacancies available at that relevant point of time within a period of 1(one) month from the date of such publication.

With the aforesaid observations and directions, these writ petitions shall stand disposed of.