

WP(C) 2395/2009
BEFORE
THE HON'BLE MR. JUSTICE IA ANSARI

Heard Mr. HRA Choudhury, learned Senior counsel for the petitioners, and Mr. BJ Ghosh, learned Government Advocate, for the respondents.

Pursuant to an advertisement, which was published on 10-10-2007, for selection and appointment of police constables throughout the State of Assam, the present petitioners, amongst others, applied for selection to the 77 posts of constables, which were allotted to Karimganj district. The petitioners were selected by the District Level Committee. However, on scrutiny of the record of the selection process of the District Level Committee, the State Level Police Recruitment Board, which has the power to approve the list, did not agree with the selection and, therefore, recommended, in its meeting held on 27-11-2008, the cancellation of the entire selection process pertaining to Karimganj district.

Consequent to the decision of the State Level Police Recruitment Board, since the select list had not been published, some of the persons, who had participated in the said selection process, came to this Court with a writ application, made under Article 226 of the Constitution of India, seeking direction to be issued to the respondents to publish the select list. This writ petition gave rise to WP (C) No. 5309 of 2008.

In the writ petition, the respondents submitted that the record of the selection process of the District Level Committee, on scrutiny, by the State Level Police Recruitment Board, revealed several anomalies and an arbitrary process of selection. The State Level Police Recruitment Board, therefore, decided not to approve the result of the selection process. In these circumstances, the Court, by its order, dated 22-04-2009, dismissed the writ petition by holding that the writ petition had no merit and ordered fresh recruitment process. A second recruitment process accordingly took place and persons have been selected. The present petitioners did not, however, participate in the selection process, which was re-started.

In view of the fact that this Court had declined to even direct publication of the select list and it had further directed the second selection process to be undertaken, this writ petition, in the face of the observations made and the directions given in the order, dated 22-04-2009 in WP(C) No. 5309 of 2008, cannot be maintained, because the decision in WP(C) No. 5309 of 2008, has attained finality. This apart, resisting the writ petition, the respondents have elaborately given the anomalies, which the State Level Committee had noticed and, having found the selection process to be arbitrary, refused to act upon the select list.

In the light of the findings of the State Level Police Recruitment Board, this Court does not find that the decision, which the State Level Police Recruitment Board took, is either arbitrary or perverse. This apart, this Court had, in effect, already agreed, in earlier writ petition, i.e., WP(C) No. 5309 of 2008, with the decision of the State Level Police Recruitment Board and had accordingly directed a second exercise of selection to be undertaken.

In the circumstances indicated above, this writ petition cannot be said to have any merit and must, therefore, fail.

In the result and for the foregoing reasons, this writ petition is dismissed.

No order as to costs.

The interim direction, passed in this case, shall accordingly stand vacated.

Before parting with this writ petition, it is, however, in the light of the submission made by Mr. HRA Choudhury, learned Senior Counsel, made clear that the petitioners shall remain at liberty to seek review of the order, dated 22-04-2009, passed in WP(C) No. 5309 of 2008 and/or challenge, in accordance with law, the

directions given therein.