

GAHC010003692026



2026:GAU-AS:13345-DB

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

Case No. : WP(C)/281/2026

DEVAJANI GOGOI
D/O- GOBINDA GOGOI,
R/O- KADAMONI VILLAGE, P.O- SALMARI, P.S- TINGKHONG, DIST-
DIBRUGARH, ASSAM, PIN-786001

2: ABDUL REZZAK
S/O- LATE KITAB UDDIN

R/O- VILLAGE JHALORCHAR
P.O- JHOWDANGA
P.S- MANKACHAR
DIST- SOUTH SALMARA MANKACHAR
ASSAM
PIN-783131

3: UNMONA BORAH
W/O- SUMIT PAUL
R/O- DISHA APARTMENT
BASHBARI ROAD
SANTIPARA
P.O
P.S AND DIST- DIBRUGARH
ASSAM
PIN-786001

4: MD. AMIR ALI KHAN
S/O- AKBOR ALI KHAN
R/O- VILLAGE MOYNABANDHA
P.O- FEKAMARI
P.S- SOUTH SALMARA
DIST- SOUTH SALMARA MANKACHAR
ASSAM

PIN-78313

VERSUS

THE STATE OF ASSAM AND OTHERS
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM, ASSAM
SECRETARIAT, DISPUR, GUWAHATI-06, ASSAM

2:THE DEPUTY SECRETARY
TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
ASSAM SECRETARIAT
DISPUR
GUWAHATI-06
ASSAM

3:THE ADDITIONAL CHIEF SECRETARY
TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
ASSAM SECRETARIAT
DISPUR
GUWAHATI-06
ASSAM

4:THE SECRETARY
TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
ASSAM SECRETARIAT
DISPUR
GUWAHATI-06
ASSAM

5:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
ASSAM SECRETARIAT
DISPUR
GUWAHATI-06
ASSAM

6:THE DIRECTOR OF PROSECUTION
ASSAM
ULUBARI
GUWAHATI-07

7:THE SELECTION BOARD
FOR RECRUITMENT TO THE POST OF PUBLIC PROSECUTOR
ADDITIONAL PUBLIC PROSECUTOR AND ASSISTANT PUBLIC

PROSECUTOR

REP. BY ITS CHAIRMAN
THE ADDL. CHIEF SECRETARY TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-06

8:SRI DEBAJIT ADHIKARY

RESIDENT OF VILLAGE - KHEKAPARA

P.O. AMBARI
P.S. DHUPDHARA

DISTRICT - GOALPARA
ASSAM

PIN - 783123.

9:SRI BIPLOB BORA

RESIDENT OF RAJGARH
BYE LANE NO. 8
HOUSE NO. 237
P.O. CHANDMARI
P.S. CHANDMARI
DISTRICT - KAMRUP (M)
ASSAM - 781003.

10:SRI SAMUDRAGUPTA DUTTA

RESIDENT OF HOUSE NO. 12
SEUJ NEER
SUNDARPUR
R.G. BARUAH ROAD
GUWAHATI - 781005

DISTRICT - KAMRUP (M)
ASSAM.

11:SRI MRINAL KUMAR BORO

RESIDENT OF SRI SAI VILLA
BLOCK-1
THIRD FLOOR

KANAKLATA ROAD

KUMARPARA
NARAYAN NAGAR

GUWAHATI - 781009
ASSAM.

12:SRI HITESWAR LAHKAR

RESIDENT OF VILLAGE - THANPATKUCHI
P.O. KP BARKHALA
P.S. GHOGRAPAR
DISTRICT - NALBARI
ASSAM
PIN - 781350.

13:SRI HEMANTA TALUKDAR

RESIDENT OF HOUSE NO. 24
KAHILIPARA
JANANPUR PATH
HARIHAR BYE LANE
P.O. KAHILIPARA
P.S. DISPUR
DISTRICT - KAMRUP (M)
ASSAM - 781019.

14:SRI CHANDRAWALE KHOUND GOSWAMI

RESIDENT OF FLAT NO. S3K
SOUTH BLOCK
PROTECH TULIP
BEHARBARI
P.O. AND P.S. BASISTHA

GUWAHATI - 781040
DISTRICT - KAMRUP (M)
ASSAM.

15:SRI DHIRA DEVI

RESIDENT OF VILLAGE-CHARALPARA
P.O.-BHOUKAMARI
P.S.-PATHSALA
DISTRICT-BAJALI
ASSAM
PIN-781325.

16:SRI PRANJAL DUTTA

RESIDENT OF HOUSE NO. 3(A)
BYE LANE NO. 11
RAJGARH ROAD

GUWAHATI - 781003
DISTRICT - KAMRUP (M)
ASSAM.

17:SRI ANJU DEVI SONAR

RESIDENT OF TEKELA CHIRING GAON
UNIVERSITY LINK ROAD
NAMGHAR PATH
KANAKLATA PATH
P.O. MOHANAGHAT
P.S. DIBRUGARH

DISTRICT - DIBRUGARH
ASSAM - 786001.

18:SRI AMARENDRA GOGOI

RESIDENT OF 2C
SHREE SHANKAR ENCLAVE
BHAGADUTTAPUR
P.O.-KAHILIPARA
P.S.-DISPUR
GUWAHATI-781019
DISTRICT-KAMRUP (M)
ASSAM

19:SRI BITUPON DEURI

RESIDENT OF KACHARIBASTI
OPPOSITE HOUSE NO. 8
MALIBAGAN
KHARGHULI
DISTRICT-KAMRUP (M)
ASSAM
PIN-781004.

20:SRI NANDITA DAS

RESIDENT OF KATAHBARI
P.O. AND P.S.-GARCHUK
GUWAHATI-781035

DISTRICT-KAMRUP (M)
ASSAM.

21:SRI UDAY SINGHA BORGOHAIN

RESIDENT OF HOUSE NO. 29
PUB-SIVNAGAR
MAGAZINE
VIP ROAD

DISTRICT - KAMRUP (M)
ASSAM - 781036.

22:SRI MINATI DEKA

RESIDENT OF VILLAGE-GERIMARI
P.O. AND P.S.-MANGALDAI
DISTRICT-DARRANG
ASSAM
PIN-784125.

23:SRI LUHIT MOHAN

RESIDENT OF C/O FLAT NO. 1/C
KALASHNI APARTMENT
SOLAPARA ROAD
PALTAN BAZAR
P.S. PALTAN BAZAR
GUWAHATI - 781008
DISTRICT - KAMRUP (M)
ASSAM.

24:SRI RUPJYOTI BARUAH

RESIDENT OF MAHABHAIRAB BARUAH CHUBURI
P.O. AND P.S.-TEZPUR
DISTRICT-SONITPUR
ASSAM
PIN-784001.

25:SRI PRADIP GOGOI

RESIDENT OF HOUSE NO. 11
TIRANGA PATH
HENGRABARI
GUWAHATI - 781036
DISTRICT - KAMRUP (M)

ASSAM.

26:SRI RAJASHREE DEVI

RESIDENT OF A.T. ROAD
NEAR GD HOSPITAL AND RESEARCH CENTRE

P.O. HAIBARGAON
DISTRICT - NAGAON
ASSAM
PIN- 782002.

27:SRI AMAR JYOTI SAIKIA

RESIDENT OF C/O HOJAI BAR ASSOCIATION
SANKARDEV NAGAR
P.O.-SANKARDEV NAGAR
DISTRICT-HOJAI
ASSAM
PIN-782442.

28:SRI DEBENDRA HALOI.
RESIDENT OF VILLAGE AND P.O.-MUGKUCHI
P.S. AND DISTRICT-NALBARI
ASSAM
PIN-781334.

29:SRI PARINITA DAS

RESIDENT OF HOUSE NO. 63
M.C. ROAD
UZAN BAZAR
GUWAHATI - 781001
ASSAM.

30:SRI TAPAN SWARGIARY

RESIDENT OF VILLAGE
P.O. AND P.S.-SALBARI
DISTRICT-BAKSA
ASSAM
PIN-781318.

31:SRI DIMPI SONOWAL

RESIDENT OF C/O HIRANYA SONOWAL

P.O. MANCOTTA

DISTRICT - DIBRUGARH
ASSAM

PIN- 786003.

32:SRI BALEN CH. BORO

RESIDENT OF VILLAGE - CHIRAKHUNDI
P.O. DEULKUCHI
P.S. TAMULPUR

DISTRICT - TAMULPUR
BTR
ASSAM - 781354.

33:SRI SANGEETA KEMPRAI

RESIDENT OF VILLAGE - DISGAO RAZI

P.O. AND P.S. HAFLONG
DISTRICT - DIMA HASAO
ASSAM - 788819.

34:ABANI PHUKAN

RESIDENT OF- JAGAT ENCLAVE P.O.- KAHILIPARA
DIST.- KAMRUP (M) PIN-781019.

35:ABDUL GAFFAR

RESIDENT OF- NALBARI TOWN
WARD NO. 8
JYOTINAGAR
P.O.
P.S. AND DIST.-NALBARI
ASSAM
781335.

36:ABHIJIT BHATTACHARJEE

RESIDENT OF- TINSUKIA BAR ASSOCIATION
PIN-786126 P.O.-BORGURI
PS. AND DIST- TINSUKIA
ASSAM

37:ABHIJIT MEDOK

C/O- MARY BASAWMOIT

RESIDENT OF- JACKSON TRACE ROAD
LOWER LUMPARING
PO.- LABAN
SHILLONG- 793004
MEGHALAYA.

38:ADITY GOGOI

RESIDENT OF- CHEREKAPARA HATIMURIA GAON
SIVASAGAR
ASSAM
P.O- CHEREKAPARA
PIN- 785701.

39:AHAMMAD ALI

RESIDENT OF- VILL- PUB KAMARPARA
PO- GHANSIMULI
PS- KHARUPETIA
DIST- DARRANG (ASSAM)
PIN-784115.

40:AJOY KUMAR DAS

RESIDENT OF- 105
GANESHGURI
RGB ROAD
GUWAHATI
DIST-KAMRUP(M)
ASSAM- 781005.

41:AMALENDU KALITA

RESIDENT OF- VILL AND PO-SATCALA (NADIR PAR) PO-HAJO
PS-HAJO
DIST.-KAMRUP
ASSAM-781102.

42:AMAR JYOTI THAKURIA

RESIDENT OF- PANITOLA
NAGAON
PO- PANITOLA
PS- TINSUKIA
DIST- TINSUKIA
ASSAM
PIN-786183.

43:AMIT RAJKHOWA

RESIDENT OF- K.B. ROAD
WARD NO.-12
P.O. AND P.S.- NORTH LAKHIMPUR
DIST- LAKHIMPUR
ASSAM
PIN- 787001.

44:ANEE TALUKDAR

RESIDENT OF- H.NO. 06
BALIJAN PATH
DAKHINGAON
KAHILIPARA
GUWAHATI-781019
ASSAM.

45:ANIRBAN DAS

RESIDENT OF- BONGAIGAON TOWN
WARD NO. 1
NEHRU ROAD
LICHUTOLA
PO AND PS.- BONGAIGAON
ASSAM-783380.

46:ANJUWARA HUSSAIN

RESIDENT OF- HATIGAON
NOTBAMA
PANCHALI
BITUPAN PATH
PO AND PS- HATIGAON
DIST- KAMRUP (M)
ASSAM
PIN-781038.

47:ANNIE T LIENTHANG

RESIDENT OF- VILL-SONGTIJANG
PO AND PS- HAFLONG
DIMA HASAO-788819.

48:ANUP KUMAR SAIKIA

RESIDENT OF- SEUJPUR (NEAR KITPLY) BORGURI

PO.- BORGURI
PS- TINSUKIA
DIST- TINSUKIA
STATE- ASSAM PIN-786126.

49:APARAJITA BRAHMA

RESIDENT OF- KOKRAJHAR
W/NO.4
CHATATOLA
PO.- KOKRAJHAR
PS-KOKRAJHAR
DIST- KOKRAJHAR
ASSAM-783370.

50:ARPANA NATH

RESIDENT OF- VILL- BAPUPARA PT. II
PO AND PS- AGIA
DIST- GOALPARA
ASSAM
PIN- 783120.

51:ARPITA PAUL

RESIDENT OF- SETTELMENT ROAD
P.S. AND DIST.- KARIMGANJ
ASSAM
PIN-788712.

52:ATIKUZ ZAMAN HUSSAIN

RESIDENT OF- RAZAK BOYS HOSTEL
KAFILUDDIN PATH
BYE LANE NO 1
SANTIPUR MASJID ROAD
DISTRICT- KAMRUP (M)
ASSAM
PIN - 781009.

53:AVYARTHANA DUTTA

RESIDENT OF- JYOTINAGAR
B.G ROAD W/NO/11
SIVASAGR
ASSAM-785640

54:BAHARUL ISLAM

RESIDENT OF- VILL-NASHAKHA
PO- AIRKATA
PS.- FAKIRGANJ
DIST-DHUBRI
ASSAM-783330.

55:BALARAM RABHA

RESIDENT OF- VILL.- GINE MOHMARA
P.O. AND P.S.- JONAI
DIST.- DHEMAJI
ASSAM
PIN- 787060.

56:BANDANA BARO

RESIDENT OF- INDIRA NAGAR
P.O.- TEZPUR
DIST- SONITPUR
ASSAM-784001.

57:BANDANA DAS

RESIDENT OF- VILL- GARBHITAR
PO- NIZ DHAMDHAMA
DIST.- BAKSA
PS- BARAMA
PIN-781349
ASSAM.

58:BAPPA PURKAYASTHA

RESIDENT OF- LEDO KALPARA
PO- LEDO
PS.- MARGHERITA DIST- TINSUKIA
ASSAM
PIN-786182.

59:BHABANI SHARAMA

RESIDENT OF- NATUN MAITHONG GAON
P.O.- CHIKARANJAN
P.S- PENGAREE
DIST.-TINSUKIA
ASSAM
PIN-786160.

60:BHABIT KALITA

RESIDENT OF- VILL- LACHI BISHNUPUR
PO- GOPALPUR PS-KAYAN
DIST.- KAMRUP
ASSAM
PIN-783354.

61:BHRIGUMANI ROY

RESIDENT OF- SORBHOG TOWN
WARD NO. 4
P.O AND P.S- SORBHOG
DIST.- BARPETA
PIN- 781317.

62:BIJOY BURAGOHAIN

RESIDENT OF- VILL- PANBECHA
PO- BETENA
P.S AND DIST- SIVASAGAR
ASSAM
PIN-785663

63:BINITA THAPA

RESIDENT OF- JAGUN 9TH MILE
VILL- BISHNUPUR
PO.- JAGUN
PS.- LEKHAPANI
DIST-TINSUKIA
PIN-786188.

64:BINITA UPADHYAYA

RESIDENT OF- VILI -GOLIA PO- PANIBHARAL
PS- BISWANATH CHARIALI
DIST- BISWANATH
ASSAM
PIN- 784176.

65:BISWAJIT HAZARIKA

C/O DINOMONI GOGOI

RESIDENT OF- BYE LANE NO. 12
SONALI JAYANTI NAGAR
P.O. AND P.S. AND DIST.- JORHAT

ASSAM
PIN-785001.

66:CATHERINE PANGGING

RESIDENT OF- WARD NO.11
PO AND PS-SONARI
DIST- CHARAIDEO
ASSAM
PIN- 785690.

67:CHANDA CHHETRY

RESIDENT OF- VILL-NATUN SINGRI
PO- NATUN SIRAJULI
PS-DHEKIAJULI
DISTRICT-SONITPUR
ASSAM
PIN-784110.

68:CHANDANAMONI RAY

RESIDENT OF- VILL- SHIALMARI DOHOLAPARA
PO- GERUKABARI
PS- BIJNI
DIST.-- CHIRANG BTR
ASSAM
PIN-783390.

69:CHANDRADHAR BARO

RESIDENT OF- HOUSE NO. 24
SANKARDEV NAGAR
LICHUBAGAN
SAMSAN ROAD
HENGRABARI
PO.-HENGRABARI
PS.- DISPUR
GUWAHATI- 781036
DIST- KAMRUP

70:DAISY KUMBANG

RESIDENT OF- R/O- PRADIP KR SAIKIA
DC COLONY
(NEAR SBI DIPHU BARNCH)
DIPHU
KARBI ANGLONG

PIN-782460

71:DEBAJIT DUTTA

RESIDENT OF- VILL-KAMDEWAL
PO-KAMDEWAL
PS- GOHPUR
DIST- BISWANATH
ASSAM-784169.

72:DEBOJYOTI ROY

C/O-SUBIMOL DAS
RESIDENT OF- LAKSHMI BAZAR ROAD
KARIMGANJ TOWN
NEAR PWD REST HOUSE
PO AND DIST-KARIMGANJ
ASSAM-788710.

73:DEEPMANI DEKA

RESIDENT OF- WARD NO.10
JAIL ROAD
BARPETA TOWN
PO- BARPETA
PS.- BARPETA
DIST- BARPETA
ASSAM
PIN-781301

74:DEEPSANKAR SAIKIA

C/O- SRI ROBIN SAIKIA
RESIDENT OF- WARD NO. 11
BORMURIA TINIALI
PO.- NORTH LAKHIMPUR
PS.-NORTH LAKHIMPUR
DIST- LAKHIMPUR ASSAM PIN- 787001.

75:DEMALU HASNU

RESIDENT OF- UPPER MOHONGDIJUA
PO- MOHONGDIJUA
PS- MANJA
DIST- KARBI ANGLONG
ASSAM
PIN-782461.

76:DEWALI KAMAN

RESIDENT OF- VILL.- AMULAPATTY
PO AND PS - DHAKUAKHANA
DIST.- LAKHIMPUR
ASSAM
PIN-787055.

77:DHURUHAJYOTI DAS

RESIDENT OF- VILL-BAPUJINAGAR
WARD NO. 16
PO- BALADMARI
PS- GOALPARA
DIST- GOALPARA
ASSAM
PIN-783101.

78:DIANA DOWARAH

RESIDENT OF- KOKRAJHAR TOWN
RNB ROAD
W/NO.9
P.O.
P.S. AND DIST- KOKRAJHAR BTR
ASSAM PIN-783370.

79:DIJEN DOLEY

RESIDENT OF- HOUSE NO. 67
VILL. KEMI
P.O.- LEKU
P.S.- JONAI
DIST.- DHEMAJI
ASSAM
PIN- 787060.

80:DINAMONI DAS

RESIDENT OF- VILL-RANGCHALL
PO- JANATA
PS- BEHALI
DIST- BISWANATH
PIN- 784179
ASSAM.

81:DINESH CHOUDHURY

RESIDENT OF- WARD NO. 02
PM DUTTA ROAD
NEAR SR. SUB-REGISTRAR OFFICE
PO AND PS.- DHUBRI
DIST- DHUBRI
ASSAM
PIN-783301.

82:DIPANKAR TALUKDAR

RESIDENT OF- HOWLY TOWN
WARD NO. 7 (NEW)
MG PATH
P.O AND P.S- HOWLY
DIST. -BARPETA
PIN-781316
ASSAM.

83:DIPI SONOWAL

RESIDENT OF- K.B. ROAD
WARD NO. 11
PO AND PS- NORTH LAKHIMPUR
ASSAM- 787001.

84:DURGA MAYA SUBBA

RESIDENT OF- VILL- MANPUR
PO-UDALGURI
PS- UDALGURI
DIST-UDALGURI BTR
ASSAM- 784509

85:EZU MONI HAZOWARY

RESIDENT OF- VILL- KHARA MECHIPARA
PO AND PS- DUDHNOI
DIST- GOALPARA
ASSAM - 783124

86:GAGAN CHANDRA BORAH

RESIDENT OF- HOUSE NO -7
NEAR DURGASAROBAR VIDYAPEETH
KAMAKNYA GATE
P-O. BHARALUMUKH
PS- JALUKBARI

DIST- KAMRUP (M)
ASSAM PIN-781009.

87:GANESH ROY

RESIDENT OF- HINDU GAON
WARD NO. 4
P.O- NORTH LAKHIMPUR
P.S- NORTH LAKHIMPUR
DIST. LAKHIMPUR
ASSAM
PIN-787001.

88:GANGA BAHADUR CHETRY

RESIDENT OF- TINSUKIA BAR ASSOCIATION
PO- BORGURI
PS- TINSUKIA
DIST- TINSUKIA
ASSAM- 786126.

89:GANGA DAS

C/O ADV KABITA MALA GOGOI
RESIDENT OF- VILL CHANDRAPUR
W/NO.2
NEAR EMPLOYMENT EXCHANGE OFFICE
P.S.- BOKAJAN
P.O.- BOKAJAN CF
PIN- 782490
DIST.- KARBI ANGLONG
ASSAM.

90:GAYATRI DEVEE

RESIDENT OF- NEW GOALPARA (BINU FIELD)
W/NO.-07
PO
PS AND DIST- GOALPARA
ASSAM
PIN- 783101.

91:GAYATRI RABHA

RESIDENT OF- H.NO. 17
GOSSAIGAON PO AND PS- GARCHUK
NEARBY HILL VIEW APARTMENT

DIST-KAMRUP(M)
ASSAM-781035.

92:GITANJALI GOGOI

RESIDENT OF- VILL-CHOWKHAM
PO-CHABOTI
PS- NORTH LAKHIMPUR
DIST- LAKHIMPUR
ASSAM
PIN-787051.

93:GITARTHA KAMAL SAIKIA

RESIDENT OF- SURABHINAGAR
PO- SENCHOWA
PS- SADAR
DISRT.- NAGAON
PIN-782002.

94:GITU MONI KALITA

RESIDENT OF- BILASIPARA
W/NO-8
P.O- HAKAMA
P.S- BILASIPARA
DIST- DHUBRI (ASSAM)
PIN-783348.

95:HEMANTA KUMAR GOGOI

RESIDENT OF- H.NO. 6
BYELANE NO 1 (LEFT)
DEBDARU PATH
PO. AND PS- DISPUR
GUWAHATI- 781006.

96:HENY BARLASKAR

RESIDENT OF- VILL- UDHARBOND
PO-LARSINGPAR PS- UDHARBOND
DIST- CACHAR ASSAM
PIN- 788002.

97:IRISH TERONPI

RESIDENT OF- VILL- HONGKRAM SARSING HABAI GAON
PO-HONGKRAM

PS. BALTHALAMGSO
WEST KARBI ANGLONG
ASSAM-782450.

98:ISHWAR PRASANNA CHHETRI

RESIDENT OF- H/NO-1
SAMPRITI PATH
JATIA
PS- DISPUR
KAMRUP(M)-781006.

99:JACKQUAL DAIMARI

RESIDENT OF- VILL- NALBARI
WARD NO.2
PO-UDAIGURI
PS- UDALGURI
DIST- UDALGURI BTR
ASSAM
PIN-784509.

100:JAMSON BHUNDU

RESIDENT OF- DIPHU JUDICIAL COURT
NEAR DIPHU MEDICAL COLLEGE AND HOSPITAL
KARBI ANGLONG
ASSAM -782460.

101:JAYA DAS

RESIDENT OF- VILL-MAIRAMARA (AMTOL)
PO AND PS- HOWLY
DIST-BARPETA
ASSAM- 781316.

102:JAYANTA INGTI

RESIDENT OF- VILL-NO.3 BORPATHAR
PO- BALICHANG PS-BISWANATH CHARIALI
DIST- BISWANATH
ASSAM
PIN-784174.

103:JINGNAN SINGPHO

RESIDENT OF- ANIRUDHA DEV NAGAR

PO-BORGURI
PS AND DIST- TINSUKIA
ASSAM-786126.

104:JINUMONI KONWAR

RESIDENT OF- GELAKEY JITYA VIDYALAYA ROAD
GGS-1
PO AND PS-GELAKEY
DIST.- SIVASAGAR ASSAM PIN-785696

105:JITUMONI RABHA

RESIDENT OF- VILL-DARANI
PO- BARDAMAL
PS- AGIA
DIST-GOALPARA
ASSAM
PIN- 783120

106:JONALI BORAH

RESIDENT OF- VILL-BONGAON (NORAKONWAR)
PO- RAHDNALA PS- GOLAGHAT
DIST- GOLAGHAT
ASSAM-785622

107:JUNU BASUMATARY

RESIDENT OF- ULUBARI
PO-SILLKHAGURI
PS-PANBARI
DIST-CHIRANG BTR
ASSAM- 783390.

108:JYOTI PRASAD KACHARI

C/O-BIPUL MEDHI

RESIDENT OF- H.NO.63
NEAR KAMRUP COLLEGE OF VOCATIONAL TRAINING
GUWAHATI CLUB MAIN ROAD
PS- LATASIL
DIST-KAMRUP (M)
ASSAM- 781003.

109:KABITA GOSWAMI

RESIDENT OF- UDAYAN PATH
DWARAKA NAGAR
HOUSE NO.36
KHANAPARA
GUWAHATI- 781022
ASSAM
KAMRUP (M).

110:KABITA MALA GOGOI

RESIDENT OF- WARD NO. 2
CHANDRAPUR
NEAR EMPLOYMENT OFFICE
PO- BOKAJAN CF
PS- BOKAJAN
DIST- KARBI ANGLONG
ASSAM
PIN-782490.

111:KAMALENDRA TALUKDAR

RESIDENT OF- VILL-PANIGAON
PO-PANIGAON
PS- BELSOR
DIST.- NALBARI (ASSAM)
PIN- 781303.

112:KANKANA CHOUDHURY

RESIDENT OF- SAMIN NAGAR
WARD NO.5
MILANPUR
P.O.-MILANPUR
P.S. AND DIST- NALBARI
ASSAM-781337.

113:KARABI DAS

RESIDENT OF- GALLAHATI NO.1
P.O AND P.S.-BARPETA
DIST- BARPETA
ASSAM- 781301.

114:KHAIRUL BASHID

RESIDENT OF- VILL-RAGHUPARA
PO-FEKAMARI
PS- SOUTH SALMARA

ASSAM -783135.

115:KHIROD POUDYAL

RESIDENT OF- SHRIKRISHNA ADHIKARI PATH
SHIV NAGAR
CHANDMARI
PO AND PS - TEZPUR
DIST - SONITPUR
ASSAM
PIN - 784001.

116:KIRTINATH RAY

RESIDENT OF- VILL- NARIKOLA (UJANPARA)
PO- SRIJANGRAM
PS-ABHAYAPURI
PIN-783384.

117:KISHOR BASNET

S/O-LOK BAHADUR BASNET

RESIDENT OF- VILL- NO.2
KALIPUR
PO-KALIPUR
PS- TAMULPUR
DIST.- TAMULPUR BTR (ASSAM)
PIN- 781360.

118:KRISHNA GOGOI

RESIDENT OF- HATIMURIA GAON
P.O AND P.S- SIMALUGURI
PIN-785686
DIST.- SIVASAGAR
ASSAM.

119:KRISHNNA HALOI

RESIDENT OF- VILL-MUGKUCHI
PO-MUGKUCHI
PS- NALBARI
DIST-NALBARI
ASSAM-781334.

120:KULENDRA NARAYAN SURI

RESIDENT OF- RANGAPATHAR GAON
PO-SUFFRY
PS- SONARI
DIST-CHARAIDEO
ASSAM-785689.

121:KUNAL DEKA

RESIDENT OF- MANGALDAI TOWN
WARD NO.7 (BARUAHPARA)
P.O. MANGALDAI
P.S.-MANGALDAI
DIST- DARRANG
ASSAM
PIN- 784125.

122:L MOMON SINGHA

RESIDENT OF- VILL. AND PO- SINGERBAND
P.S- LAKHIPUR
DIST- CACHAR
STATE- ASSAM PIN- 788126.

123:LAKHYAJIT DEURI

RESIDENT OF- LAKHIMPUR DISTRICT BAR ASSOCIATION
NORTH LAKHIMPUR
PIN- 787001

124:LALIT BURAGOHAIN

RESIDENT OF- VILL- RUPNAGAR
WARD NO. 6
PO- ARADHAL
PS- DHEMAJI
DIST- DHEMAJI
ASSAM
PIN- 787057.

125:LALIT NARAH

RESIDENT OF- VILL- LAGACHUNG KACHARI
PO - KHURACHUK
PS-GOGAMUKH
DIST - DHEMAJI
ASSAM-787034.

126:LAXMI THAPA PRADHAN

RESIDENT OF- NEAR ADARSH HINDI HIGH SCHOOL
P.O.- BORGOLAI
P.S.- MARGHERITA
DIST- TINSUKIA
ASSAM-786181.

127:LUKUMONI BORUAH

C/O-PABAN CHETIA

RESIDENT OF- VILL- PANIBIL JAMUNAMUKN
PO- PANIBIL
PS- CHEREKPAR
PIN- 785685
DIST- SIVASAGAR
ASSAM.

128:MALAYA HAZARIKA

RESIDENT OF- VILLAGE- JAPOUBARI
PO- KUNWARI
P.S.- BISWANATH CHARIALI
DIST- BISWANATH
ASSAM
PIN- 784176

129:MAMATA KURMI

RESIDENT OF- MAKUM CHINAPATTY
THANA ROAD
PO AND PS- MAKUM
DIST- TINSUKIA
ASSAM-786170.

130:MANABI HANDIQUE

RESIDENT OF- H. NO -12
SWAHID DILIP HUZURI PATH
SARUMATARIA
P.S-DISPUR
P.O- ASSAM SACHIVALAYA GUWAHATI-781006 KAMRUP (M) ASSAM

131:MANIMA BAISHYA

RESIDENT OF- VILL-DALIBARI
PO - DADARA

PS - HAJO
DIST- KAMRUP
ASSAM
PIN-781104.

132:MANUJ KR. GOHAIN

RESIDENT OF- VILL- LAHIBARI P.O- GHATAPARA
P.S- DHAKUAKHANA
DIST- LAKHIMPUR
ASSAM
PIN- 787053.

133:MATILDA MURMU

RESIDENT OF- VILL.- MARIAMPUR
PO- CHECHAPANI
P.O AND DIST- TAMULPUR

134:MD IKBAL HUSSAIN LASKAR

RESIDENT OF- H NO.8
1ST FLOOR
NILGIRI PATH
HATIGAON CHARIALI
P.O.AND P.S- HATIGAON
DIST- KAMRUP (M)
ASSAM-781038.

135:MD. LUISUR RAHMAN

RESIDENT OF- VILL-DUMORTOLA
PO- RADHAMADHAB HAT
PS- MANKACHAR
DIST-SOUTH SALMARA
MANKACHAR
ASSAM-783131.

136:MD. SOKOWAT HUSSAIN

RESIDENT OF- VILL-JHOWDANGA
PO-JHAOWDANGA
PS- MANKACHAR
DIST-SOUTH SALMARA
MANKACHAR
783131.

137:MEGHALI BAISHYA

RESIDENT OF- AMULPATTY
HCB ROAD
WARD NO.9
SIVASAGAR
ASSAM
PIN- 785640.

138:MILTAN HANDIQUE

C/O- DR. MOHAN CH KALITA

RESIDENT OF- SEOUJBAN
NEAR ASSAM SISHU KALYAN SADAN
SUNDARBARI
JALUKABARI
GHY-14.

139:MIRBIN ENGTIPI

RESIDENT OF- RONGMILI
WARD NO.06
NEAR NURSE COLOY
DIPHU
KARBI ANGLONG
ASSAM
782460.

140:MISS JAYSHREE MECH

RESIDENT OF- KALIBARI CHUK (TAL-GEREKI)
P O AND P S - TEZPUR
DIST- SONITPUR
ASSAM
PIN-784001.

141:MISS JHUMKI BHOWMICK

D/O-LATE GOBINDA BHOWMICK

RESIDENT OF- WARD NO 9
PO AND PS-KOKRAJHAR
DIST.- KOKRAJHAR
ASSAM-783370.

142:MISS PUSHPANI JOHORI

RESIDENT OF- VILL-TOPODISA
PO AND PS-HAFLONG
DIST.- DIMA HASAO
ASSAM-788819.

143:MITHUN CHULADHARA

RESIDENT OF- VILL- CHULADHARA GAON
P.O- NEMUGURI
P.S- BOKATA NEMUGURI
DIST- SIVASAGAR
ASSAM PIN-785674

144:MITUMONI BARO

RESIDENT OF- VILL DAHARA BAGHBARI
P.O- RANGIA
P.S- RANGIA
DIST- KAMRUP (ASSAM)
PIN- 781354.

145:MONJUARA BEGUM

RESIDENT OF- WARD NO.7
SONARUPATTY KHARUPETIA
P.O-KHARUPETIUA
P.S- KHARUPETIUA
DIST- DARRANG
ASSAM-784115.

146:MONMI BARMAN

RESIDENT OF- VILL-2 NO
KHANAMUKH
PO- MADURIPATHAR
PS-SILAPATHAR
DIST- DHEMAJI
ASSAM-787059.

147:MONMI BORAH

C/O- HIRANYAMOYEE GOGOI

RESIDENT OF- PO- KHUMTAI VILL-KHUMTAI DIST- GOLAGHAT ASSAM-
785619.

148:MONTU RAJKHOWA

RESIDENT OF- KHARGHORIA DEODHAL GAON (BORCHAHAKI)
PO- MORANJAN
PS - MORANHAT
DIST - CHARAIDEO
ASSAM
PIN - 785673.

149:MRIDULA BORAH

RESIDENT OF- VILL- SATYAPUR
WARD NO.8 OF CHAPAR TOWN
P.O- CHAPAR
PS- CHAPAR
DIST- DHUBRI
ASSAM
PIN-783371.

150:MRINAL KUMAR NATH

RESIDENT OF- VILL-KONWARPARA
PO-MANGALDAI
PS- MANGALDAI
DIST-DARRANG
ASSAM- 784125

151:MRS NASRIN SULTANA

RESIDENT OF- HNO. 5884(S)
HIRA PLAZA
CD ROAD WARD NO. 7
PO/PS- NORTH LAKHIMPUR
DIST- LAKHIMPUR
ASSAM-787001.

152:MRS SANTANA BHUYAN

RESIDENT OF- VILL PUB KALITA GAON
PO- KALABARI
PS- GOHPUR
MOUZA- GOHPUR
DIST- BISWANATH
ASSAM - 784178.

153:MRS. ILLA BORGOHAIN

RESIDENT OF- VILL- BORPATARIA
PO- DHEMAJI
PS- DHEMAJI

DIST- DHEMAJI
ASSAM-787057.

154:MRS. RUMI GOGOI

RESIDENT OF- NOTOOMA HOUSEFED
M-II
A-10 COMPLEX
GUWAHATI
781038
DIST- KAMRUP (M)
ASSAM.

155:NABAJYOTI BARMAN

RESIDENT OF- VILL-JAPARKUCHI
P.O.- CHOWK BAZAR
P.S.- NALBARI
DIST.- NALBARI
ASSAM- 781334.

156:NAHOR KRAMSAPI

RESIDENT OF- RONGMIRDAN WARD NO.3
P.O AND P.S.- DIPHUS
DIST.- KARBI ANGLONG
STATE -ASSAM PIN CODE-782460.

157:NALINI MEDHI

RESIDENT OF- VILI-KALJAR
PO-BARAMA
PS- BARAMA
DIST.- BAKSA BTR (ASSAM)
PIN-781346

158:NANCY TINGNUNHLIM DARNGAWN

RESIDENT OF- VILL.- MUOIHOI
PO AND PS - HAFLONG
DIST-DIMA HASAO
ASSAM-788819.

159:NANDIRA NARZARI

RESIDENT OF- VILL-MAIDANGURI
PO-UDALGURI
PS- UDALGURI

DIST-UDALGURI BTR
ASSAM- 784509.

160:NANDITA DAS

RESIDENT OF- KARUNMAYEE APPTT.
FLAT NO. B-4
M.C. ROAD
UZANBAZAR
GUWAHATI
ASSAM-781001.

161:NANDITA DEKA

RESIDENT OF- 9 KK ROAD
FATASHIL AMBARI PO AND PS- FATASHIL AMBARI
DIST.- KAMRUP (M) PIN-781025.

162:NAVANIKA MAZUMDAR

RESIDENT OF- VILL-DAKSHIN GANAKGARI
PO AND PS- SORBHOG
DIST- BARPETA
ASSAM-781317.

163:NIBEDITA SAHA

RESIDENT OF- MILAN NAGAR
PO- C.R. BUILDING
PS- DIBRUGARH
DIST-DIBRUGARH
ASSAM- 786001

164:NIHARIKA BURAGOHAIN SADARI

RESIDENT OF- BAM GOHAIN GAON
PO- NEMUGURI
PS- BOKATA NEMUGURI
DIST- SIVASAGAR
ASSAM-785674.

165:NIKITA DAS

RESIDENT OF- ATIGAON BAKALIA BAZAR
P.O- AND P.S.- BAKALIA
DISTRICT- KARBI ANGLONG
ASSAM
PIN-782482.

166:NIKUNJA DEV SARMA

C/O-BISWAJIT MISHRA

RESIDENT OF- H.NO.1
NEAR GANESH MANDIR
BYELANE NO. 5
PO. -NOONMATI
GUWAHATI-20.

167:NILUTPAL PHUKAN

RESIDENT OF- PHILLOBARI BORGAON
PO AND PS- PHILLOBARI
DIST-TINSUKIA
ASSAM- 786160.

168:NOBIUR ROHMAN BORAH

RESIDENT OF- SONARI TOWN
WARD NO.4
NAMTOLA ROAD
P.O AND PS- SONARI
DIST.- CHARAIDEO
ASSAM PIN-785690.

169:PAHI BORGOHAIN

RESIDENT OF- PROTECH AKANSHA
3RD FLOOR BLOCK-D
NOONMATI
P.O- AND P.S.- NOONMATI
DISTRICT- KAMRUP(M)
ASSAM
GUWAHATI-781020.

170:PALLAB JYOTI BARUAH

RESIDENT OF- KARANGA BARUAH GAON
PO - KARANGA
DIST.- JORHAT ASSAM
PIN-785008.

171:PANKAJ BORAH

RESIDENT OF- VILL-RAJABARI
PO-RAJABARI

PS-GOHPUR
DIST-BISWANATH
ASSAM-784168.

172:PAPORI BURAGOHAIN

RESIDENT OF- VILL-IRRIGATION ROAD WARD NO.3 PO- DHEMAJI PS-
DHEMAJI DIST-DHEMAJI ASSAM-78705.

173:PARAG JYOTI MEDHI

RESIDENT OF- H.NO.1
HEMGIRI ROAD
SOUTH SARANIA
NEAR ROYAL BHANDAR
ULUBARI GUWAHATI-781007.

174:PARTHA PRATIM DEKA

RESIDENT OF- HOUSE NO.32
NABAGRAHA NATUN NAGAR
SLIPUKHURI
GUWAHATI-781003 PO-SLIPUKNURI
PS- CHANDMARI
DIST- KAMRUP (M)
ASSAM.

175:POONAM KHOUND

RESIDENT OF- VILL-POHARDIA GAON
PO-BHURAMORA
PS-GARAMUR
DIST-MAJULI
ASSAM- 785104.

176:POPI BASUMATARY

RESIDENT OF- LACHIT ROAD
WARD NO. 1
PO. PS. AND DIST- UDAIGURI
ASSAM -784509.

177:POPY BORAH

RESIDENT OF- VILL-PUB GINGIA
PO. AND PS.- GINGIA DIST- BISWANATH-784184.

178:PRABIN KUMAR SARMA

RESIDENT OF- H.NO.73
2NO. MADHABPUR
PO AND PS- NOONMATI
DIST- KAMRUP (M)
ASSAM- 781020.

179:PRADIP CHETIA

RESIDENT OF- VILL-SAPATIA CHETIA
PO-SAPATIA
PS- DHAKUAKHANA
DIST- LAKHIMPUR
ASSAM- 787058.

180:PRADIP KUMAR DAS

RESIDENT OF- VILL- MAJGARI
PO- LATIBARI
PS AND DIST.- TAMULPUR
PIN - 781368
ASSAM

181:PRANJAL KONWAR

RESIDENT OF- GELAKEY JATIYA BIDYALAYA ROAD
GGS-1
PO AND PS- GELAKEY
DIST- SIVASAGAR
ASSAM-785696.

182:PRASANTA HILOIDARI

RESIDENT OF- VILL-BALL GAON
PO AND PS- DHAKUAKHANA
DIST-LAKHIMPUR
ASSAM-787055.

183:PREETISMITA TALUKDAR

W/O-DHANJIT DAS

RESIDENT OF- WARD NO 9
PO-PATHSALA
DIST-BAJALI
ASSAM-781325.

184:PRIYANKA DAS

RESIDENT OF- WEST JYOTI NAGAR
H/NO-4A
SUROPHI PATH
BAMUNIMAIDAM
GUWAHATI-21

185:PRIYANKA MAUT

RESIDENT OF- PANITOLA NAGAON
PO- PANITOLA
PS AND DIST- TINSUKIA
ASSAM
PIN-786183.

186:PRIYARAM BORA

RESIDENT OF- SARBAIBANDHA DIMORUGURIA GAON
PO PS AND DIST- JORHAT
785001.

187:PRONOTEE ROY SARKAR

C/O-DEBAJIT DAS

RESIDENT OF- WARD NO. 15
COLLEGE NAGAR
PO- BIDYAPARA
PS AND DIST- DHUBRI
PIN-783324

188:PUBALI DAS

RESIDENT OF- BONGAIGAON TOWN
WARD NO. 20
BARPARA
P.O P.S AND DIST.- BONGAIGAON
PIN-783380.

189:PULEN BARMAN

RESIDENT OF- VILL-BELSOR
PO AND PS- BELSOR
DIST- NALBARI
ASSAM-781304.

190:PURABI NATH

RESIDENT OF- VILL-BAPUJI NAGAR
WARD NO-16
PO- BALADMARI
PS AND DIST- GOALPARA
ASSAM
PIN-783121.

191:PURNIMA BASFORE

RESIDENT OF- VILL- CHARALPARA
P.O- BHOUKAMARI
PS- PATHSALA
DIST- BAJALI
ASSAM
PIN-781325

192:PUSPA SINHA

RESIDENT OF- VILL-NEW BHAKATPUR
JANAJAGARAN CHENCOORIE ROAD
PO- BHAKATPUR
SILCHAR
ASSAM-788005.

193:RAJIB BASUMATARY

RESIDENT OF- DIPHU BAR ASSOCIATION
PO AND PS - DIPHU
DIST.- KARBI ANGLONG
ASSAM
PIN- 782460.

194:RAJIB KUMAR HAZARIKA

RESIDENT OF- NO.1 CHAULKARA VILLAGE
P.O- CHAULKARA
P.S AND DISTRICT- SIVASAGAR
PIN-785667.

195:RAJOSREE BISWASH

RESIDENT OF- VILL-KAMARGRAM
PO-KALIGANJ BAZAR
PS AND DIST- KARIMGANJ
ASSAM
PIN- 788720.

196:RAJU CHOUDHARY

RESIDENT OF- VILL-NIZ BAHJANI
PO-NIZ BAHJANI
PS AND DIST- NALBARI
ASSAM-781334.

197:RAJU GOGOI

RESIDENT OF- HAHCHARA LEBANG GAON
PO- DAYA CHARALI
PS- SIVASAGAR
DIST- SIVASAGAR
ASSAM-785701.

198:RAKESH KUMAR ROY

RESIDENT OF- R.K. MISSION ROAD
DHUBRI
WARD NO. 16
PO- BIDYAPARA
PS- DHUBRI
DIST- DHUBRI
ASSAM
PIN-783324.

199:RANJIT SAIKIA
RESIDENT OF- VILL-JOYRAPAR
PS AND DIST.- SIVASAGAR
ASSAM
PIN-785640.

200:RANJITA GOENKA

RESIDENT OF- R.K. BOSE
WARD NO.5
PO-DHUBRI
PS- DHUBRI
DIST.- DHUBRI
ASSAM-783301.

201:RANJITA SINGHA

RESIDENT OF- ITKHOLA MANIPURI PARA
LANE NO. 3
H.NO.-38
SWAMIJI ROAD
SILCHAR CACHAR
ASSAM- 788001.

202:RANJU KEMPRAI

RESIDENT OF- PHANGTHENGPHRANG
PS- BAITHALAMGSO
WEST KARBI ANGLONG
ASSAM-782485

203:RATUL DIHINGIA

RESIDENT OF- DHEMAJI DISTRICT BAR ASSOCIATION
DHEMAJI
ASSAM
PIN-787057.

204:RICHARD BRAHMA

RESIDENT OF- VILL-BABUBILI
PO AND PS -GOSSAIGAON
DIST- KOKRAJHAR
ASSAM-783360.

205:RIMPI PRIYA RAY

RESIDENT OF- PURANI BONGAIGAON
BAKHARAPARA
PO AND PS- BONGAIGAON
DIST- BONGAIGAON
ASSAM
PIN-783380.

206:RITURAJ PATAR

RESIDENT OF- H.NO-26
KUNDIL NAGAR
HENGRABARI
P.O.-HENGRABARI
P.S.-DISPUR
GUWAHATI-36
DIST-KAMRUP(M)
ASSAM.

207:RIYA KONWAR

RESIDENT OF- VILL-DHENU DHARA PATHAR
P.O.-GOHPUR
P.S.-GOHPUR

DIST-BISWANATH
ASSAM-784168

208:ROSHMI REKHA DAS

RESIDENT OF- VILL.- KAMARGAON
WARD NO.-1
PO- CHARIALI
PS- BISWANATH CHARIALI
DIST.- BISWANATH
ASSAM
PIN-784176

209:RUMI BORDOLOI

RESIDENT OF- BETKUCHI LALUNG GAON
PO - SAWKUCHI
PS-GARCHUK
GUWAHATI-781040
DIST. KAMRUP (M)
ASSAM.

210:RUNJUN BAISHYA

RESIDENT OF- VILL-UDALGURI
WARD NO.2
PO-UDALGURI
PS-UDALGURI
DIST- UDALGURI BTR
ASSAM- 784509.

211:RUNUMI SARMA

RESIDENT OF- VILL- DIGHELI
PO- BAR DIGHELI
DIST.- NALBARI (ASSAM)
PS-NALBARI PIN- 781334

212:SAFIQUL HUSSAIN SAIKIA

RESIDENT OF- VILL-DAMPUR
PO-DAMPUR
PS-HAJO
DIST-KAMRUP
ASSAM-781102.

213:SAILENDRA KUMAR DAS

RESIDENT OF- A.R.B ROAD SOUTH HAIBARGAON
WARD NO.-6
SONALI PATH
P.O- HAIBARGAON
P.S- NAGAON SADAR
DIST. NAGAON
(ASSAM) PIN-782002.

214:SANTANU GOGOI

RESIDENT OF- VILL-PEOLL PHUKAN NAGAR
PO- NAMTIAL PATHAR
PS AND DIST- SIVSAGAR
ASSAM
PIN-785697

215:SARTHAK KUMAR GOSWAMI

RESIDENT OF- SANJIWANI PATH
CHOLDHARA
P.O- AND P.S- JORHAT
DIST.-JORHAT
ASSAM-785001.

216:SEEMA DAIMARI

RESIDENT OF- VILL-DULLAPARA
PO- PURANI TANGLA
PS- TANGLA
DIST- UDALGURI-784528

217:SEUJ BIKASH

RESIDENT OF- H.NO.427
ARUNODOI PATH
KALIMANDIR
HENGRABARI
GUWAHATI
KAMRUP (M)
ASSAM-781036.

218:SEWALI KONWAR

RESIDENT OF- VILL.- SUNPURA HABI GAON
PO - NAGAGAON
PS AND DIST.- SIVASAGAR - 785701.

219:SHAHINOOR BEGUM

C/O- FARHAD ALI AHMED
RESIDENT OF- H/NO.14
JURIPAR PATH
NOTBOMA
PO- HATIGAON
PS-HATIGAON
DIST.- KAMRUP (M)
ASSAM PIN-781038.

220:SHEHNAAZ KHAN

RESIDENT OF- H. NO-17
WARD NO.-36
GANDHIBASTI
LALMATI ROAD
PO-SILPUKHURI
PS- CHANDMARI
DIST- KAMRUP (M)
GUWAHATI ASSAM
PIN-781003.

221:SHIBENDRA DAS

RESIDENT OF- VILL AND PO- MANIK BOND PS- BAZARICHERA
DIST-KARIMGANJ
ASSAM- 788728.

222:SHRI IMMANEUL L. FAIHRIEM

RESIDENT OF- VILL-MUOLHOL
PO AND PS- HAFLONG
DIST- DIMA HASAO
ASSAM-788819.

223:SHYAMALIMA BORGOHAIN

RESIDENT OF- RAJAPOL GOHAIN GAON
PO - RAJAPOL
PS-NAZIRA
PIN-785685
DIST- SIVASAGAR.

224:SIMA BHOWMIK

W/O-RAHUL RAY

RESIDENT OF- WARD NO.9

PO AND PS- GOALPARA
DIST-GOALPARA ASSAM- 783101.

225:SMTI JANMONI GOGOI

C/O-SRI DIPANKAR CHUTIA

RESIDENT OF- VILL.- HECHAMORA
PO AND PS-BOGINADI
DIST.- LAKHIMPUR PIN-787032.

226:SMTI PUBALI DUTTA

RESIDENT OF- HOJAI BAR ASSOCIATION
SANKARDEV NAGAR
PO- JURAPUKHURI
DIST- HOJAI
PIN- 782442
ASSAM.

227:SOMA SARKAR

RESIDENT OF- BG
COLONY
PO- NEW BONGAIGAON
PS AND DIST- BONGAIGAON
783381.

228:SRIMANTA GOGOI

RESIDENT OF- SIBSAGAR BAR ASSOCIATION
PO. PS. AND DIST.- SIVASAGAR
ASSAM
785640.

229:SUBHAN KUMAR

RESIDENT OF- NANORHABI TE
PO AND PS- LAKWA
DIST- CHARAIDEO
ASSAM
PIN-785690.

230:SUBHANKAR DEY

RESIDENT OF- DAK BUNGLOW ROAD
PO- KARIMGANJ
PS- KARIMGANJ

PIN-788710
ASSAM

231:SUCHARITA ROY BARMAN

RESIDENT OF- LONGAI ROAD
PO AND PS- KARIMGANJ
DIST- KARIMGANJ- 788710.

232:SUKANYA BHAGAWATI

C/O-MALLIKA SARMA
RESIDENT OF- SBI OFFICERS COLONY
AMBIKAGIRI NAGAR
ZOO ROAD
H.NO.25
GUWAHATI ASSAM-781024.

233:SUKLESWAR DEV SARVA

RESIDENT OF VILL-KHEKSIALY
PO- DEBOTTAR HASDAHA
PS- GOLAKGANJ
DIST.- DHUBRI
PIN- 783334.

234:SUMAN DAS

RESIDENT OF- O/O THE SUB-DIVISIONAL JUDICIAL MEGISTRATE (M)
GOSAIGAON
PO AND PS.- GOSAIGAON
DISTRICT-KOKRAJHAR (BTR)
ASSAM PIN-783360

235:SUMI KONWAR

RESIDENT OF- HANCHARA LEBANG GAON
PO- DAYA CHARI ALI
PS- SIVASAGAR
DIST- SIVASAGAR
ASSAM-785701.

236:SUNITA HASNU

RESIDENT OF- VILL-SARKARI BAGAN
VETERINARY COLONY
HAFLONG
PO AND PS - HAFLONG

PIN-788819.

237:SUPRIYA HASNU

RESIDENT OF- AMLAPATTY
FISHERY ROAD
PO AND PS - DIPHU
PIN-782460
DIST. KARBI ANGLONG
ASSAM.

238:SURAJ PATHAK

RESIDENT OF- VILL-BAPUJINAGAR
WARD NO.16
PO- BALADMARI
PS- GOALPARA
DIST- GOALPARA
ASSAM-783121.

239:SURENDRA SAHU

RESIDENT OF- H.NO.06
BR BORA ROAD
HAPPY VILLA
BAROWARI
GUWAHATI
KAMRUP (M) ASSAM-781003.

240:SURESH PHUKAN

RESIDENT OF- DHEMAJI BILI GAON
P.O- DESANGPANI
PS- KAKOTIBARI
DIST.- CHARAIDEO
ASSAM
PIN-785689.

241:SWAHIDA KHATUN

RESIDENT OF- VILL-MONAKOCHA
PO- GORAIMARI
PS- MANIKPUR
DIST- BONGAIGAON
ASSAM- 783390.

242:SWARUP DUTTA

RESIDENT OF- HIJUGURI RABINDRA NAGAR
PO.- HIJUGURI
DIST-TINSUKIA- 786192.

243:SYEDA FARHANA ROHMAN

RESIDENT OF- HOUSE NO.20A
FRIENDS PATH
NEAR HATIGAON
PS-HATIGAON- 781038 GUWAHATI
ASSAM.

244:TAPOSH CHATTERJEE

RESIDENT OF- VILL.- BRAHMAJAN PO- BRAHMAJAN
PS- HALEM
DIST- BISWANATH
ASSAM
PIN-784172.

245:TASNINA BEGUM

RESIDENT OF- V-16 NILACHAL HOUSING
NANDAN PATH
GHORAMARA ROAD
PO- BELTOLA
PS- HATIGAON
GUWAHATI-781028

246:TIMITA INDWAR

RESIDENT OF- TONGANA GUTI BARI
PO AND PS- TONGANA
DIST-TINSUKIA
ASSAM-786152.

247:UDAYANANDA BORGOHAIN

RESIDENT OF- LACHIT NAGAR
SRIPURI
TINSUKIA
PO- SRIPURIA
PS AND DIST-TINSUKIA
ASSAM-786125.

248:UMA VERMA

C/O HARI NARAYAN VERMA

RESIDENT OF- VIIL-ATAL BASTI MEHERPUR
SILCHAR
CACHA
R PIN.-788014
ASSAM.

249:URBASHI GOGOI

RESIDENT OF- DORIKAPAR KAHATAPATHAR
A.T. ROAD
P.O.- NAMTIAL PATHAR
PS AND DIST.- SIVASAGAR
ASSAM PIN - 785640.

250:UTPAL SARMA

RESIDENT OF- HOUSE NO. 16
PUB SHANTI NAGAR
NIZARA PATH
POWERHOUSE
P.O- KAHILIPARA
PS- DISPUR
DIST- KAMRUP (M) PIN-781019.

251:UTPOL ROY

RESIDENT OF- VILL-JOGIPARA
P.O/P.S- BONGAIGAON DIST.- BONGAIGAON (ASSAM)
PIN- 783376.

252:VICTOR DAS

RESIDENT OF- HAPPY VALLEY LANE
H/NO-7
RANGIRKHARI
PO AND PS- SILCHAR CACHAR
ASSAM
PIN-788005

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

For the Petitioner(s) : Mr. K.N. Choudhury, Sr. Advocate
: Mr. K. Kalita, Advocate

For the Respondent(s) : Mr. D. Saikia, Advocate General
: Mr. D. Nath, Sr. Govt. Advocate
: Mr. T.J. Mahanta, Sr. Advocate
: Mr. G.N. Sahewalla, Sr. Advocate
: Mr. R. Borpujari, Advocate
: Mr. M. Sahewalla, Advocate
: Mr. P.P. Dutta, Advocate
: MR. L.R. Mazumder, Advocate

- Date on which Judgment was reserved : **27.08.2026**
- Date of Pronouncement of Judgment : **11.09.2026**
- Whether the pronouncement is of the Operative Part of the Judgment : Yes
- Whether the full Judgment has been Pronounced : NA

JUDGMENT AND ORDER (CAV)

Heard Mr. K.N. Choudhury, the learned Senior Counsel assisted by Mr. K. Kalita, the learned counsel appearing on behalf of the Petitioners. Mr. D. Saikia, the learned Advocate General, Assam assisted by Mr. D. Nath, the learned Senior Government Advocate appears on behalf of the State of Assam. Mr. T.J. Mahanta, the learned Senior Counsel assisted by Mr. P.P. Dutta, the learned counsel; Mr. R. Borpujari, the learned counsel; Mr. G.N. Sahewalla, the learned Senior Counsel assisted by M. Sahewalla, the learned

counsel; and Mr. L.R. Mazumder, the learned counsel, appear on behalf of some of the private Respondents.

PREFACE

2. 4 (four) Writ Petitioners have filed the present writ petition assailing the Select List dated 21.11.2025 as well as also challenged the *vires* of Rule 19(ii) of the Assam State Prosecution Service Rules, 2023 as unconstitutional. In addition to above, the Petitioners have sought for certain consequential reliefs.

3. At the outset, it is relevant to take note of that the Petitioners in the instant writ petition have limited their challenge to the Select List dated 21.11.2025. The challenge to the *vires* of Rule 19(ii) of the Assam State Prosecution Service Rules, 2023 is not being considered in the present proceedings, inasmuch as the Petitioners have already instituted a separate writ petition, being WP(C) No. 716/2026, challenging the *vires* of the said Rule, which is presently pending before the learned Division Bench of this Court. The scope of the present proceedings is therefore confined to the selection proceedings and examining the legality and validity of the Select List dated 21.11.2025.

THE ASSAM STATE PROSECUTION SERVICE RULES, 2023

4. The State of Assam, in exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, read with Sections 24 and 25 of the Code of Criminal Procedure, 1973, framed a set of Rules namely, the Assam State Prosecution Service Rules, 2023 (for short, "the Rules of 2023"). These Rules were notified on 07.12.2023.

5. Rule 2 of the Rules of 2023 contains the various definitions. Rule 2(h) of the said Rules of 2023 defines the term "Selection Board", to mean the Selection Board constituted as per the provisions of the Rules of 2023. The term "Service" has been defined in Rule 2(i) of the Rules of 2023 to mean the Assam State Prosecution Service.

6. Rule 3 of the Rules of 2023 stipulates the "Cadre of Service" and provides that the Assam State Prosecution Services shall consist of the following categories of posts: (i) Public Prosecutor; (ii) Additional Public Prosecutor and; (iii) Assistant Public Prosecutor.

7. Rule 4 of the Rules of 2023 sets down the powers and functions of the 3 (three) categories of posts i.e., Public Prosecutor; Additional Public Prosecutor and; Assistant Public

Prosecutor, and the same are reproduced herein under:

“Power and Functions

4. *The following shall be powers and functions of the members of the service namely :-*

Sl.	Name of Post	Powers and Functions	
1	Public Prosecutor	(1)	To give legal advice to the District Administration/Police and conduct trials in Sessions Court.
		(2)	Any other responsibility as may be assigned by the Director/Deputy Director/Government from time to time.
		(3)	Annual Confidential Report of his subordinate cadres.
2	Additional Public Prosecutor	(1)	To give legal advice and conduct trials in the court of Chief Judicial Magistrate/Additional Chief Judicial Magistrate/Assistant District Judge
		(2)	Any other responsibility as may be assigned by the Director/Deputy Director/Assistant Director/Public Prosecutor from time to time.
3	Assistant Public Prosecutor	(1)	Conduct trials before the Judicial Magistrate/Sub-Divisional Judicial Magistrate.
		(2)	Any other responsibility as may be assigned by the Director / Deputy Director / Assistant Director/Public

			<i>Prosecutor from time to time."</i>

From a perusal of the above quoted Rule, it would show that the three categories of posts required persons to be employed who have expertise to exercise the powers and perform the functions.

8. Rule 5 of the Rules of 2023 is with the heading "**Method of Appointment**". A perusal of Rule 5 of the Rules of 2023, would show that 75% of the posts of Public Prosecutor are to be filled by direct recruitment through Selection Board from Advocates basically on the criminal side having not less than 8 (eight) years of experience at the Bar. The remaining 25% of the posts shall be filled up by promotion from the cadre of Additional Public Prosecutor with service of not less than 7 (seven) years of service.

Insofar as the posts of Additional Public Prosecutor are concerned, 75% are to be filled up by direct recruitment through Selection Board from Advocates, basically on the criminal side, having not less than 7 (seven) years of experience at the Bar. The remaining 25% are to be filled up by promotion from the cadre of Assistant Public Prosecutor with service of not less than 7 (seven)

years of service.

The posts of Assistant Public Prosecutor, on the other hand, are to be filled up 100% by direct recruitment through Selection Board from Advocates basically on the criminal side having not less than 3 (three) years of experience at the Bar.

Rule 5 of the Rules of 2023 is reproduced hereinunder:

“Method of Appointment

5. *Subject to other provisions in these rules, the method of appointment for the several categories shall be as follows:-*

Category	Method of appointment
Public Prosecutor	75% by direct recruitment through Selection Board from Advocates basically on the criminal side having not less than eight years of experience at the Bar. and 25% by promotion from the cadre of Additional Public Prosecutor with service of not less than seven years of service.
Additional Public Prosecutor	75% by direct recruitment through Selection Board from Advocates basically on the criminal side having not less than seven years of experience at the Bar.

	<i>and</i> <i>25% by promotion from the cadre of Assistant Public Prosecutor with a service of not less than seven years of service.</i>
<i>Assistant Public Prosecutor</i>	<i>By direct recruitment through Selection Board from Advocates basically on the criminal side having not less than three years of experience at the Bar.</i>

Note:

(a) If a suitable or qualified person in the category of Public Prosecutor, Additional Public Prosecutor or Assistant Public Prosecutor is not available, the said vacancies shall be filled by direct recruitment or by contract for the time being.

(b) The Selection Board shall from time to time hold the examination/selection for the candidates for appointment by direct recruitment."

9. Rule 7 of the Rules of 2023 specifies the "**Qualifications**" or for that matter, the eligibility criteria required for the 3 (three) categories of posts. The said Rule is reproduced hereinunder:

"Qualifications

7. (1) No person shall be eligible for appointment to the categories specified in column (1) of the Table below by the method specified in column (2) unless he

possesses the minimum qualifications specified in the corresponding entry in column (3) thereof:-

<i>Category (1)</i>	<i>Method of appointment (2)</i>	<i>Minimum Qualifications (3)</i>
<i>Public Prosecutor</i>	<i>By direct recruitment or by promotion</i>	<i>(Must Be A Graduate With A Bachelor's Degree In Law From A Recognized University Of India (established Or incorporated By or Under a Central Act or Provincial Act) or an Institution Recognized by the Govt. of Assam or University Grants Commission.</i>
		<i>(Must have experience as Additional Public prosecutor for 7 (seven) years for promotion.</i>
		<i>(Direct Recruitment:</i> <i>i</i> <i>i</i> <i>Must have practiced as a regular Advocate for not less than 8 (eight) years basically on the criminal side including practice before the High Court.</i>
<i>Additional Public Prosecutor</i>	<i>By direct recruitment or promotion</i>	<i>(Must Be a graduate with a Bachelor's Degree in Law from a recognized University Of India (established or incorporated by or Under a Central Act or Provincial Act) or an Institution Recognized By The Govt. of Assam or University Grants Commission.</i>
		<i>(Must have experience as Assistant Public Prosecution for 7 (seven) years for promotion.</i>
		<i>(Direct Recruitment:</i> <i>Must have practiced as an Advocate for not less than 7 (seven)</i>

		<i>years basically In the criminal side including practice before High Court.</i>
<i>Assistant Public Prosecutor</i>	<i>By direct recruitment</i>	<i>(Must be a graduate with a Bachelor's Degree in Law from a recognized University of India (established or incorporated by or under a Central Act or Provincial Act) or an Institution recognized by the Govt. of Assam or University Grants Commission.</i>
		<i>(Must have practiced as an Advocate with not less than 3 (three) years active practice in Criminal Courts.</i>

- (2) **Upper Age limit:** 45 years for General category with applicable relaxation as applicable for other categories beyond 45 years."

10. Rule 15 of the Rules of 2023 is with the heading "**Selection Board**". The said Rule prescribes that the selection of candidates for direct recruitment shall be conducted by the Selection Board, to be chaired by a retired Judge of the High Court and other members, as may be notified by the State Government from time to time. The said Rule being relevant is reproduced herein under:

"Selection Board

15. Selection of candidates for direct recruitment shall be conducted by the Selection Board, to be chaired by a retired judge of a High Court and other members, as may be notified by the State

Government, from time to time.”

11. Rule 19 of the Rules of 2023 sets forth the “**Procedure of Direct Recruitment**”. The said Rule is of relevance for deciding the present dispute. The said Rule is reproduced herein under:

“Procedure of Direct Recruitment 19. (i) Selection of candidates for direct recruitment shall be conducted by the Selection Board, to be chaired by a retired Judge of a High Court and other members, as may be notified by the State Government, from time to time.

(ii) Evaluation of the candidates with substantial experience for the highly skilled roles like public prosecution would require a specialized testing for assessing the requisite qualities, drafting skills, analytical and presentation skills, mental agility and quick grasp of the arguments and quoting judicial precedence etc. Accordingly, the Selection Board may devise appropriate method of proficiency- cum-skill test by conducting a viva-voce test.

(iii) Decision of the majority of all the Members including the Chairman, shall be the decision of the Selection Board and no member of the Selection Board shall abstain from any

decision-making meeting of the Selection Board.

(iv) A true and faithful record of the proceedings of the Selection Board authenticated by the Chairman shall be maintained.

(v) The Selection Board shall, in the discharge of their duties, be guided by any general or particular directions as may be given by the Government.

(vi) After holding the examinations, the Selection Board shall select the candidates in order of merit taking into consideration, reservations for SCs/STs/OBCs/MOBCs and other categories under Rule 17".

(vii) The Selection Board will finally recommend the names of successful candidates to the Appointing Authority."

12. In terms with Rule 19(ii) of the Rules of 2023, which is significant for the purpose of the present dispute, it is the requirement that the evaluation of the candidates would be carried out amongst candidates having substantial experience for highly skilled roles like public prosecution which would require a

specialized testing for assessing the requisite qualities, drafting skills, analytical and presentation skills, mental agility, and quick grasp of arguments and quoting judicial precedents, etc. The Selection Board was empowered by Rule 19(ii) of the Rules of 2023 itself to devise appropriate method of proficiency-cum-skill test by conducting a viva-voce test. It is, therefore, within the four corners of Rule 19(ii) of the Rules of 2023, as it stands, that this Court is required to adjudicate upon the legality and validity of the Select List dated 21.11.2025.

Rule 19(iv) of the Rules of 2023 stipulates that a true and faithful record of the proceedings of the Selection Board authenticated by the Chairman shall be maintained.

13. Rule 15 of the Rules of 2023, as quoted hereinabove, was amended by the Assam State Prosecution Service (Amendment) Rules, 2024. The amended Rule 15 reads as under:

“15. Selection of candidates for direct recruitment shall be conducted by such Selection Boards as may be constituted from time to time by the State Government by notification published in the Official Gazette with such number of members as may be determined by the State Government for each Selection Board on the basis of number of applicants for the posts. Each Selection board, shall be chaired by a retired judge of a High Court.”

14. There appears to be striking contrast between Rule 15 of the Rules of 2023 prior to the amendment and post amendment. Rule 15 of the Rules of 2023 prior to amendment conceptualized a singular Selection Board to be chaired by a retired High Court Judge. However, post-amendment, Rule 15 of the Rules of 2023 conceives of more than one Selection Board and each Selection Board shall be chaired by a retired High Court judge.

15. At this stage, it is also important to note that in view of the amendment to Rule 15 of the Rules of 2023, the manner of selection as stipulated in Rule 19 of the Rules of 2023 also is changed. This is so because prior to the amendment the Selection Board chaired by the retired High Court was required to devolve an appropriate method of proficiency-cum-skill test. With the amendment of Rule 15 of the Rules of 2023 which provides more than one Selection Board, in order to maintain uniformity, the different Selection Boards have to jointly devise a proficiency-cum-skill test for assessing the candidates. Else, it would result in different Selection Boards devising different proficiency-cum-skill test for one combined selection proceedings.

**BRIEF FACTS OF THE CASE AND THE PROCEEDINGS
LEADING TO THE PRESENT JUDGMENT**

16. On 02.01.2024, an Advertisement was issued by the Home and Political Department, Government of Assam, inviting applications for recruitment to the posts of Public Prosecutor, Additional Public Prosecutor, and Assistant Public Prosecutor.

The advertisement provided that 26 posts of Public Prosecutors out of the sanctioned strength of 34 posts would be filled up. 88 posts out of the sanctioned strength of 117 posts of Additional Public Prosecutors would be filled up. Insofar as the category of Assistant Public Prosecutors are concerned, all 185 posts being the entire sanctioned strength, were advertised.

17. The educational and other essential qualifications were stipulated in the advertisement which are *pari materia* to Rule 7 of the Rules of 2023 as already quoted herein above. The Advertisement also stipulated the age criteria, whereby a candidate belonging to the unreserved category would not be eligible if he or she had attained the age of more than 45 years as on 01.01.2024. However, candidates belonging to reserved categories, entitled to the benefit of vertical and horizontal reservations, were to be granted the applicable relaxations in the upper age limit.

18. Under the heading “Eligibility Criteria” of the Advertisement, the requirements were set out at Clauses 1 to 6 of the Advertisement. Clause 7 of the Advertisement stipulated the procedure for applying. The documents required to be submitted along with the application were specified in Clause 8 of the Advertisement. The said Clause 8 of the Advertisement being relevant for the purpose of the present case, the same is reproduced hereinbelow:

“8. Documents to be submitted:

Duly filled up application form, affixing a self-attested Photograph on the top right side of the Form, along with self-attested photocopies of the following documents/certificates:

(i) Matriculation/ 10th Standard/ HSLC Admit Card/ Pass Certificate issued by Central/ State Board, having clear indication of the Date of Birth.

(ii) Pass Certificates and Mark sheets of all examinations from Matriculation/ 10th Standard/ HSLC onwards up to the level of qualifying examination.

(iii) PRC/Caste Certificate/Certificate from competent authority in case of Ex-Servicemen.

(iv) Document showing Date of Enrolment, with a self-declaration that after enrolment he/she has not left practice as Advocate and has not joined any other service/profession/business. In case contrary facts to such claim, comes

to fore subsequently, his/her candidature shall be rejected and may even lead to termination from service, if detected after joining service.

(v) 2 (two) Passport size photographs.”

19. Clause 9 of the Advertisement stipulated that the selection process shall be as per the provisions stipulated in the Rules of 2023, and the date, time and venue for the selection would be intimated to the shortlisted candidates. In other words, Clause 9 of the Advertisement made it clear that the Selection would be carried out as per the criteria laid down in Rule 19(ii) of the Rules of 2023. This aspect is important as would be seen in the latter segments of the present judgment.

20. The format of the Application Form is a part of the Advertisement wherein, amongst others, there is a requirement of mentioning the Educational Qualification(s) at Clause No. 14, and a brief of the service particulars and experience in Clause No. 15. The format of the Application Form stipulated the requirement of furnishing information as regards the present assignment/job. All the Clauses of the said format of the Application Form were mandatorily required to be filled up.

21. At this stage, for the purpose of extracting the relevant facts

it would be apposite to take note of certain details provided in the rejoinder affidavit filed by the State on 18.06.2026. It is mentioned therein that against the total number of 299 posts advertised, i.e., 26 posts of Public Prosecutor, 88 posts of Additional Public Prosecutor, and 185 posts of Assistant Public Prosecutor, a total of 5,238 applications were received. Out of the said applications, 753 applications were received for the posts of Public Prosecutor, 1,630 for the post of Additional Public Prosecutor, and 2,855 for the post of Assistant Public Prosecutor. Further to that, out of the total 5,238 applications received, 579 applications were rejected on grounds such as non-submission of draft, overage, etc.

22. The records further reveal that in terms with Rule 15 of the Rules of 2023, a Notification was issued on 20.06.2024 under the orders of the Governor, thereby constituting 3 (three) Selection Boards for selection of the candidates to the posts of Public Prosecutor, Additional Public Prosecutor, and Assistant Public Prosecutor. Apart from the constitution of the 3 (three) Selection Boards, the roles and responsibilities of the Selection Boards were also mentioned in the said Notification. It may not be out of place to mention that Clause (ii) and Clause (iii) under the heading "**The Role and Responsibilities of the Selection Boards are**",

categorically stipulates the parameters upon which the candidates were to be assessed and the Selection Board was granted the liberty to devise appropriate method of proficiency-cum-skill test by conducting a viva voce test. The said stipulations can also be construed as directions of the State Government to the Selection Boards to conduct the selection in a particular manner. For the purpose of the instant proceedings, the contents of the said Notification dated 20.06.2024 being relevant are reproduced herein under:

**“GOVERNMENT OF ASSAM
HOME (A) DEPARTMENT
3RD FLOOR, CM'S BLOCK, JANATA BHAWAN, DISPUR, GUWAHATI-6
e-Mail: assam.home@assam.gov.in**

**ORDERS BY THE GOVERNOR
NOTIFICATION**

No. Ecf-392018: In pursuance of rule 15 of the Assam State Prosecution Service Rules, 2023 (as amended), the Governor of Assam is pleased to constitute the Selection Boards with the following composition for selection of candidates to the posts of Public Prosecutor, Additional Public Prosecutor and Assistant Public Prosecutor:

Board 1:

- | | | |
|----|--|------------------|
| 1. | Hon'ble Mr. Justice (Retired) Achintya Malla Bujor Barua : | Chairman |
| 2. | Legal Remembrancer and Secretary, Judicial Department or his nominee: | Member |
| 3. | Secretary, Home & Political Department : | Member Secretary |
| 4. | One member nominated by National Law University and Judicial Academy, Assam: Member | |
| 5. | One member to be nominated by the Learned Advocate General : | Member |
| 6. | One expert from the related field, to be nominated by the Chairman of the Board : Member | |

Board 2:

- | | | |
|----|--|----------|
| 1. | Hon'ble Mrs. Justice (Retired) Anima Hazarika: | Chairman |
| 2. | Legal Remembrancer and Secretary, Judicial Department or his nominee : | Member |

3. *Secretary, Home & Political Department:* *Member Secretary*
4. *One member nominated by National Law University and Judicial Academy, Assam:* *Member*
5. *One member to be nominated by the Learned Advocate General:* *Member*
6. *One expert from the related field, to be nominated by the Chairman of the Board:* *Member*

Board 3:

1. *Hon'ble Mr. Justice (Retired) C. R. Sharma:* *Chairman*
2. *Legal Remembrancer and Secretary, Judicial Department or his nominee:* *Member*
3. *Secretary, Home & Political Department:* *Member Secretary*
4. *One member nominated by National Law University and Judicial Academy, Assam:* *Member*
5. *One member to be nominated by the Learned Advocate General:* *Member*
6. *One expert from the related field, to be nominated by the Chairman of the Board:* *Member*

The Roles and Responsibilities of the above Selection Boards are:

- (i) *Selection of candidates for direct recruitment shall be conducted by the Selection Board, to be chaired by a retired Judge of a High Court and other members, as may be notified by the State Government, from time to time.*
- (ii) *Evaluation of the candidates with substantial experience for the highly skilled roles like public prosecution would require a specialized testing for assessing the requisite qualities, drafting skills, analytical and presentation skills, mental agility and quick grasp of the arguments and quoting judicial precedence etc. Accordingly, the Selection Board may devise appropriate method of proficiency-cum-skill test by conducting a viva-voce test.*
- (iii) *Decision of the majority of all the Members including the Chairman, shall be the decision of the Selection Board and no Member of the Selection Board shall abstain from any decision-making meeting of the Selection Board.*
- (iv) *A true and faithful record of the proceedings of the Selection Board authenticated by the Chairman shall be maintained.*
- (v) *The Selection Boards shall, in the discharge of their duties, be guided by any general or particular directions as may be given by the Government.*
- (vi) *After holding the examination, the Selection Board shall select the candidates in order of merit taking into consideration, reservations for SCs/STs/OBCs/MOBCs and other categories under Rule 17.*
- (vii) *The Selection Board will finally recommend the names of successful candidates to the Appointing Authority.*

Signed by Ajay Tewari
Date: 20-06-2024 10:48:03
Reason: Approved

Additional Chief Secretary to the Govt. of Assam
Home & Political Department

Memo No. Ecf-392018-A"

23. The records further reveal that on 13.08.2024, the members of the 3 Selection Boards convened a meeting to finalize the methodology for conducting the proficiency-cum-skill test. This was necessary as the three Selection Boards were entrusted with the responsibilities to devise a proficiency and skill test for the combined selection process. In order to maintain the uniformity, the three Selection Boards devised uniform guidelines for awarding of marks. The contents of the said Minutes of the Meeting are relevant for the purpose of the present case and as such, the same are reproduced hereinunder:

“Meeting of the Members of the Selection Boards for selection of candidates for recruitment to the posts of Public Prosecutor, Additional Public Prosecutor and the Assistant Public Prosecutor for finalizing methodology on conducting the proficiency-cum-skill test held on 13 August, 2024 at Assam Administrative Staff College, Khanapara, Guwahati-22

Members present : As enclosed at Annexure-I

A joint meeting of the Selection Board No. 1, 2 and 3 has been held to work out the modalities and the procedure to be adopted by the Selection Boards for conducting the viva-voce test for assessing the requisite qualities, drafting skills, analytical presentation skills, mental agility and quick grasp of

the arguments and quoting judicial references etc. for evaluation of the candidates with regard to the Advertisement dated 02.01.2024 issued by the Home & Political Departments of the Govt. of Assam for recruitment to the posts of Public Prosecutor, Additional Public Prosecutor and Assistant Public Prosecutor.

In the joint meeting, the provisions of the Assam State Prosecution Service Rules, 2023 (in short Rules of 2023) as well as the Notification dated 20.06.2024 of the Addl. Chief Secretary to the Govt. of Assam, Home & Political Departments were taken note of. We have perused the provisions of Rule 19(ii) of the Rules of 2023 as well as Clause II of the Roles and Responsibilities of the Selection Boards as provided in the Notification dated 20.06.2024 which are as extracted:

Rule 19(ii) of Rules of 2023:*"Evaluation of the candidates with substantial experience for the highly skilled roles like public prosecution would require a specialized testing for assessing the requisite qualities, drafting skills, analytical and presentation skills, mental agility and quick grasp of the arguments and quoting judicial precedence etc. Accordingly, the Selection Board may devise appropriate method of proficiency-cum-skill test by conducting a viva-voce test."*

Clause (ii) of the Roles and Responsibilities of the Selection Boards as provided in Govt. Notification dated 20.06.2024:*"Evaluation of the candidates with substantial experience for the highly skilled roles like public prosecution would require a specialized testing for assessing the requisite qualities, drafting skills, analytical and presentation skills, mental agility and quick grasp of the arguments and quoting judicial precedence etc. Accordingly, the Selection Board may devise appropriate method of proficiency-cum-skill test by conducting a viva-voce test."*

Having regard to the aforesaid provisions of Rule 19(ii) of the Rules of

2023 as well as Clause II of the Notification dated 20.06.2024, it has to be understood that the role of the respective Boards would be to conduct the specialized testing only by adopting the viva-voce test.

In the joint meeting, it is the unanimous decision of all the Members including the Chairmen of the three Selection Boards that the viva-voce test would comprise of 100 marks with 70 marks for assessing the requisite qualities, drafting skills, analytical presentation skills, mental agility and quick grasp of the arguments and quoting judicial references etc.; 20 marks for assessing the requisite qualities of personality, temperament and 10 marks for overall academic performance of the candidates by taking the average of all the marks upto Graduation and LL.B.

It has also been further decided that in order to aid the assessment of drafting skills, analytical presentation skills, mental agility and quick grasp of the arguments and quoting judicial references, etc., the respective candidates be required to produce before the Selection Board atleast one copy of drafting of any application/petition/appeal etc. done by the candidate himself which has been filed and registered before a Court of law in any criminal proceedings. The candidates shall also be required to produce six copies of any judgment/order that may have been passed by a Court of law in any criminal proceeding in which the candidate himself appeared, conducted and argued the matter. In respect of the candidates for the post of Additional Public Prosecutor, the number of order or judgment required would be 4 (four) and that of Assistant Public Prosecutor, it would be 3 (three), meaning that the required number of 6 (six) will be for Public Prosecutor only.

As is the established principle having the approval of the Hon'ble Courts providing that if a selection is held solely on the basis of a viva-voce test, ideally the test ought to be 6–7 minutes. Accordingly, it is also decided that the time to be devoted to a given candidate would be 6–7 minutes.

The date and time of the viva-voce test to be conducted shall be decided and informed from time to time. It has also been decided in the joint meeting that the viva-voce for the post of Public Prosecutor shall be followed by the viva-voce test for Additional Public Prosecutor and thereafter the viva-voce test for the post of Assistant Public Prosecutor.

It is clarified in the joint meeting that the requirement to bring one copy of drafting and copies of judgments/orders by the candidates is not to be construed as an eligibility condition but only to facilitate the evaluation of the candidates. The follow up action of issuing Call Letters to the respective candidates shall take place and be done as per schedules to be decided by the respective Boards.

Further, the date, time and place of the viva-voce test would be as provided in the notification to be published by the Home (A) Department of the Govt. of Assam and will also be appropriately placed in the website. The Home (A) Department is also required to notify the list of the candidates to be interviewed by providing the dates on which the respective candidates would be subjected to viva-voce test and the respective Call Letters shall also be issued and sent to the respective emails of the candidates.

It is also provided that even in the event a particular candidate claims that he has not received the Call Letter, the candidate may come and appear before the Board for the viva-voce test on the date as may be indicated in the notification of Home (A) Department containing the list and his candidature shall be accepted by the Board provided he can produce sufficient and appropriate document to establish his identity which would match with the particulars provided in the application form.

The meeting ended with a vote of thanks to all concerned."

It is relevant to take note of Annexure-I referred to in the Minutes of the Meeting quoted hereinabove. A perusal thereof

would show that the Members and the Chairman of the Selection Boards were present as would be apparent from their signatures in Annexure-I.

24. Pursuant thereto, call letters were issued to all candidates whose applications were found to be as per the Advertisement. In other words, except for the 579 applications which were rejected, all other applicants were issued call letters for the viva-voce (proficiency-cum-skill test) in respect to the posts for which they have applied. The said call letters specified the date, day and reporting time for appearing in the viva-voce test. In addition to that, the call letters also mentioned the documents that the candidates were required to produce at the time of the viva-voce test. Taking into account the relevance of the contents of the call letters, the contents of the call letter issued to the Petitioner No. 3 for the post of Public Prosecutor is reproduced hereinbelow:

“GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT

Call letter for viva-voce (proficiency-cum-skill test) of the post of Public Prosecutor

Roll No.	1388
Full Name of the Applicant	Unmona Borah
Address of Applicant	PN Road, Khemani Mill, P.O. P.S. &

		<i>Dist-Dibrugarh, Assam, Pin-786001</i>	
<i>E-mail ID of Applicant</i>		<i>unmonaborah888@gmail.com</i>	
<i>Gender</i>		<i>F</i>	
<i>Category</i>		<i>GEN</i>	
<i>Venue of viva-voce</i>		<i>Assam Administrative Staff College, Khanapara, Guwahati-22</i>	
<i>Date</i>	<i>Day</i>	<i>Reporting time</i>	
<i>28th August, 2024</i>	<i>Wednesday</i>	<i>9:30 AM</i>	
<i>Instruction for candidates:</i>			
<i>1</i>	<i>The candidates are advised to bring this Call Letter.</i>		
<i>2</i>	<i>Every candidate shall bring any appropriate identity proof/document to enable the authorities to verify the identity of the candidate with the Call Letter etc. e.g. Aadhaar Card/Driving License/Passport etc.</i>		
<i>3</i>	<i>Any book, paper, cell phone, calculator or any electronic gadget or objectionable materials are not allowed in the Interview Hall. Candidates are allowed to bring only Call Letter, ball-point pen, Photo Identity cards inside/into the Interview Hall, There will be provision for deposit of Mobile Phone/Electronic items outside the interview Hall.</i>		
<i>4</i>	<i>Candidates are instructed to bring the original documents pertaining to educational qualification from HSLC onwards up to Graduation and L.L.B. for verification.</i>		
<i>5</i>	<i>Every candidate shall be required to produce before the Selection Board at least 1 (one) copy of any application/petition/appeal etc. drafter by the candidate himself/herself and filed and registered before a Court of Law in any criminal proceeding.</i>		
<i>6</i>	<i>Every candidate shall be required to produce before the</i>		

	<i>Selection Board 6 (six) copies of any order/judgment passed by a Court of Law in any criminal proceeding in which the candidate himself/herself appeared, conducted and argued the matter.</i>
7	<i>Any discrepancy found in the Call Letter, including the complaint of any candidate not receiving Call Letter through email may be intimated to the Department at the following email address: departmenthome@gmail.com</i>
8	<i>The candidates are advised to reach the venue of interview prior to the Reporting Time.</i>
9	<i>Any candidate found using unfair means or violating the above or any of the proficiency-cum-skill test/viva-voce rules shall be disqualified and action taken as per norms."</i>

25. The records further reveal that in addition to the call letters, separate notices were published on the official website of the Home and Political Department, Government of Assam, notifying each candidate of the date fixed for conducting the viva voce test. The said notices also contained the same instructions as appearing in the call letters issued to the candidates appearing in the viva-voce test.

26. The records further reveal that the viva voce test for the three categories were taken separately. At first the viva voce test were taken of those candidates who applied for the post of Public Prosecutor. Thereafter, for the posts Additional Public Prosecutor and lastly for the post of Assistant Public Prosecutor. For the sake

of convenience the details are provided in the following tabular form.

<i>“Post</i>	<i>Dates</i>	
	<i>From</i>	<i>To</i>
<i>Public Prosecutor</i>	<i>17.08.2024</i>	<i>05.09.2024</i>
<i>Additional Public Prosecutor</i>	<i>24.09.2024</i>	<i>23.12.2024</i>
<i>Assistant Public Prosecutor</i>	<i>27.01.2025</i>	<i>08.04.2025”</i>

27. It further appears from the rejoinder affidavit filed on 18.06.2026 by the State that though 5,238 applications were received and 4,659 call letters were issued, but only 2,390 candidates were present in the viva-voce skill test, and 2,269 remained absent.

28. Pursuant to the viva-voce skill test conducted, the 3 (three) Selection Boards convened a joint meeting on 21.06.2025 for preparing the merit list and the recommended the candidates after amalgamating the respective select lists prepared by the 3 (three) Selection Boards. The Minutes of the Meeting held on 21.06.2025

being relevant, the contents are reproduced herein under:

“Resolution Dated 21-06-2025 adopted in the joint meeting of the three (3) Selection Boards

In terms of clauses (vi) & (vii) of the Roles & Responsibilities of the Selection Boards as provided in the Notification No. eCF 392018 dated 20-06-2024, the three Selection Boards had a joint meeting for preparing the merit list & the recommended list after amalgamating the respective select list prepared by the three Selection Boards upon completing the interview process. The amalgamated list is the merit list under clause (vi) and upon working out the number of vacancies for the three categories of Public Prosecutor, Additional Public Prosecutor and Assistant Public Prosecutor, as well as taking into consideration the number of posts for the respective reserved categories, as provided in the advertisement dated 2nd January, 2024, the recommended lists have been prepared under clause (vii) from the merit list under clause (vi).

It has been noticed that the name of the some of the candidate finds place in more than one category i.e. Public Prosecutor, Additional Public Prosecutor or Assistant Public Prosecutor. In respect of such category of candidates, the recommended candidate upon exercising his option as to which category he desires an appointment, the resultant vacancy in the other category for which such category of candidates have also been recommended, would be filled up from the remaining candidates in the merit list strictly in order of merit, category wise taking note of the reservation.

It is resolved accordingly.”

29. On 21.11.2025, which is after 7 (seven) months after the last viva voce test was conducted, the Select List was published. A perusal of the Select List reveal that out of 26 posts of Public Prosecutor advertised, 26 candidates were selected. Out of 88 posts of Additional Public Prosecutor advertised, 87 candidates were selected and out of 185 posts of Assistant Public Prosecutor advertised, 181 were selected. It was also mentioned in the impugned Select List that as some candidates have been selected for multiple posts (i.e. more than one post) they were requested to express their preference for one post within 7 (seven) days from the date of publication of the result, failing which, they would be considered for the higher post selected automatically.

30. The instant writ petition was filed on 07.01.2026 by the Petitioners after having participated in the selection process.

31. It is also relevant to take note of that the instant writ petition was initially placed before the learned Division Bench of this Court as Petitioners assailed the *vires* of Rule 19(ii) of the Rules of 2023. During the proceedings before the learned Division Bench of this Court held on 28.01.2026, the learned Senior Counsel appearing on behalf of the Petitioners submitted that the challenge to the selection as well as the challenge to Rule 19(ii) of the Rules of

2023 cannot be conflated and therefore submitted that the instant writ petition would be confined to the challenge to the select list and if need arises, the challenge to the Rules of 2023 would be made separately. This aspect was duly recorded in the order dated 28.01.2026 by the learned Division Bench of this Court and accordingly, the instant writ petition was posted before this Court.

32. On 30.01.2026, this Court issued notice and further observed that any appointment made on the basis of the impugned select list shall be subject to the outcome of the writ petition. Additionally, this Court also observed that the selected candidates cannot claim equity on the basis of their appointments, if in the final determination of the present proceedings, the selections are set aside and quashed.

33. On 15.03.2026, appointment orders were issued to 241 candidates on the basis of the Select List dated 21.11.2025. The reduced number of appointments is for the reason that various candidates were selected for two categories of posts and they either expressed their desire to be appointed in a particular post within seven days as notified in the Select List or automatically they were appointed to the higher post.

34. The State Respondents filed their affidavit-in-opposition on 05.05.2026. In the said affidavit-in-opposition, the State Respondent defended the selection process and further questioned the maintainability of the writ petition at the behest of the Petitioners who after participating in the selection process and failing to qualify have approached this Court. To the said affidavit-in-opposition, the State of Assam enclosed the Notification dated 20.06.2024 notifying the Selection Boards and the Minutes of the Meeting dated 13.08.2024.

35. Most of the private Respondents brought on record their stand by filing affidavit-in-opposition thereby supporting their selection and also providing details that they were duly qualified to be selected and thereupon appointed.

36. The Petitioners filed an affidavit-in-reply on 15.06.2026. In the said affidavit-in-reply, the Petitioners contended that mere participation in the selection process would not denude them from their right to challenge a selection process which was infested with illegality, arbitrariness or lack of transparency. The Petitioners further contended that the methodology and marking pattern were evolved only on 13.08.2024 and were never communicated to any of the candidates prior to the selection process. It was also

alleged that the State Respondents have failed to produce the candidate-wise assessment record, comparative merit statements, eligibility verification record or other contemporaneous materials. In absence of the same, the State Respondents cannot claim fairness, transparency and merit based selection. The various paragraphs and contentions raised in the affidavit-in-opposition were denied reiterating the Petitioners stand in the writ petition.

37. On 16.06.2026 when the writ petition was listed before this Court, the learned Advocate General Assam appearing for the State submitted that certain additional factual issues were raised in the affidavit-in-reply filed on 15.06.2026 by the Petitioners and three days time may be granted to file a rejoinder. This Court granted liberty to the State Respondents to file a rejoinder.

38. On 18.06.2026, a rejoinder was filed. It is of relevance to take note of the contents of the rejoinder. The copies of the resolutions dated 13.08.2024 and 21.06.2025 were enclosed. The contents of the said resolutions have been already quoted in the previous segments of the instant judgment. Details were provided as to how many candidates appeared, how many were selected as well as how many were appointed. Further details were provided as to how the selection proceedings were conducted. The marks

obtained by each of the Petitioners were further detailed out and why the Petitioners could not be selected. It was mentioned that the Petitioner Nos. 1 and 2 though applied for the post of Public Prosecutor but they failed to secure the marks which was secured by the last General Category candidate for the post of Public Prosecutor. Similarly, insofar as the other categories of posts were concerned, it was mentioned that the Petitioners failed to secure the marks secured by the last selected candidate in the respective categories. It was also mentioned that the Petitioner No. 4 though applied for the post of Additional Public Prosecutor but he failed to appear in the viva voce test scheduled on 27.11.2024.

39. The records further reveal that on 18.06.2026 this Court heard the learned Advocate General on merits after the completion of the arguments by the learned Senior Counsel for the Petitioners. However, taking into consideration that on 18.06.2026, the rejoinder affidavit was filed, this Court granted another opportunity to the learned Senior Counsel for the Petitioners to make further submissions on 24.06.2026.

On 24.06.2026, the learned Senior Counsel for the Petitioners could not complete his arguments and accordingly on 14.07.2026, the writ petition was directed to be listed.

40. On 14.07.2026, the learned Senior Counsel for the Petitioners while completing his argument submitted that another important aspect which has relevance was not brought on record which touches on the authority of the Selection Boards to devise its procedure. The learned Senior Counsel submitted that without any authority being conferred upon the Selection Boards either under the Rules made under Article 309 of the Constitution or instructions issued under Article 73 or Article 162 of the Constitution, the Selection Boards have no authority to devise the criteria of selection. The learned Senior Counsel for the Petitioners, therefore, sought the leave to file an additional affidavit bringing on record such additional pleadings. This Court granted liberty specifically to what was sought for by the learned Senior Counsel for the Petitioners.

41. An additional affidavit was filed by the Petitioners on 20.07.2026, wherein not only the plea for which liberty was sought for was brought on record but various new factual materials for the first time were brought on record. When the writ petition was taken up on 30.07.2026, this Court specifically pointed it out to the learned counsel for the Petitioners that such new factual pleas which were sought to be raised apart from what leave was granted by this Court would either have to be inserted by way of

amendment to the writ petition or else can't be allowed. The learned counsel for the Petitioners submitted that the Petitioners would not be relying upon the new factual pleas except paragraph Nos. 1 to 4 and paragraph Nos. 14 to 23 of the said additional affidavit filed on 20.07.2026.

Taking into consideration the above, this Court recorded the said submission in the order dated 30.07.2026 and permitted the Petitioners to file an appropriate application for striking out paragraph Nos. 5 to 13 of the Additional Affidavit dated 20.07.2026.

Accordingly, an application being registered as I.A.(C) No. 2646/2026 was filed which was allowed vide an order dated 06.08.2026, thereby striking out paragraph Nos. 5 to 13 of the additional affidavit dated 20.07.2026.

42. The Respondent State filed a reply to the Additional Affidavit on 29.07.2026.

43. The learned counsels were heard and judgment was reserved on 27.08.2026.

SUBMISSIONS MADE BY THE LEARNED COUNSELS

APPEARING ON BEHALF OF THE PARTIES

44. Mr. K.N. Choudhury, the learned Senior Counsel appearing on behalf of the Petitioners submitted that the Respondents have carried out the selection in an opaque and non-transparent manner which is antithesis to the settled principles of law for a valid selection. Drawing the attention of this Court to the Advertisement, the learned Senior Counsel submitted that the Advertisement do not mention as to how the proficiency-cum-skill test would be conducted. It only mentions that a selection process shall be conducted as per the relevant provisions of the Rules of 2023, and as such, the said selection process on the basis of an Advertisement which was vague and indefinite, cannot be permitted to be sustained in law.

45. Elaborating the said contention, the learned Senior Counsel drawing the attention of this Court to the call letters for the viva-voce (proficiency-cum-skill test) submitted that a perusal of Clauses 5 and 6 of the Instructions for Candidates would show that the candidates were asked to produce before the Selection Board at least 1 (one) copy of any application/petition/appeal etc. drafted by the candidate himself/herself and filed and registered before a Court of Law in any criminal proceedings and further

every candidate shall be required to produce before the Selection Board certain copies of orders/judgments passed by a Court of Law in any criminal proceedings in which the candidate himself/herself appeared conducted and argued the matter.

46. The learned Senior Counsel for the Petitioners submitted that the mandate of these 2 (two) Clauses (Clause 5 and Clause 6) ought to have been a part of the Advertisement, inasmuch as if these would have been a part of the Advertisement, then records could be maintained that too when it is the mandate of Rule 19(iv) of the Rules of 2023 that the Selection Board shall maintain a true and faithful record of the proceedings. The learned Senior Counsel further submitted that it is an admitted fact that neither the petition/application/appeal, etc., which were sought for in terms with Clause 5 of the Call Letters nor the judgments which were sought for in Clause 6 of the Call Letters, were retained by the Selection Board and in absence of that, it is next to impossible for any person to even question as to what were the materials on the basis of which the selected candidates were chosen and the others were left out.

47. The learned Senior Counsel for the Petitioners drawing the attention of this Court to the judgment of the Supreme Court in

the case of ***Madhya Pradesh Public Service Commission Vs. Navnit Kumar Potdar & Another*** reported in ***(1994) 6 SCC 293*** submitted that where selections are made only on the basis of interview such interview/viva-voce test must be carried out in a thorough and scientific manner in order to arrive at a fair and satisfactory evaluation of the personality of a candidate. The learned Senior Counsel relying upon the said exposition of law by the Supreme Court submitted, as to how, this Court would adjudge, as to whether a thorough or a scientific manner was adopted, in absence of these materials which formed the basis of the proficiency-cum-skill test. The learned Senior Counsel, therefore, submitted that this is a case where the selection was conducted in an opaque and a non-transparent manner, for which, the entire Select List is required to be interfered with.

48. The learned Senior Counsel for the Petitioners further submitted that 7,000 candidates applied for selection of 299 posts which is at the ratio of 23 candidates against 1 post. The learned Senior Counsel submitted that holding an interview process for 7,000 candidates and without maintaining the records of the documents which the candidates were required to bring at the time of the viva-voce test, the same is a negation of Article 14 of the Constitution of India, inasmuch as without contemporaneous

records maintained, the selection so carried out cannot be said to be transparent.

49. The learned Senior Counsel further contended that when a writ petition is filed challenging the selection process, the official Respondents are bound to produce the records which formed the basis for the Selection Boards to arrive at their objective satisfaction to select one candidate from the other. The learned Senior Counsel submitted that if the Respondent Authorities cannot produce such documents, the only logical conclusion this Court can arrive at is that there were no contemporaneous records on the basis of which the selections were made.

50. The learned Senior Counsel for the Petitioners referred to the judgment of the Supreme Court in the case of ***Sukhmander Singh & Others Vs. State of Punjab & Others*** reported in ***2024 SCC Online SC 2931***, wherein the Supreme Court had frowned upon a selection process where 63 times the number of candidates were called for interview against 31 posts.

51. The learned Senior Counsel further submitted that the records would reveal that on 13.08.2024, the Selection Boards devised the method for carrying out the proficiency-cum-skill test. Out of 100

marks, 70 marks were earmarked for assessing the requisite qualities, drafting skills, analytical presentation skills, mental agility, and quick grasp for arguments and quoting judicial references, etc.; 20 marks for assessing the requisite qualities of personality, temperament; and 10 marks for overall academic performance of the candidates by taking the average of all the marks up to Graduation and LLB. The learned Senior Counsel for the Petitioners submitted that this aspect ought to have been notified to the candidates and having not notified, the entire exercise was carried out without proper notice to the candidates. In this regard, the learned Senior Counsel referred to the judgments of the Supreme Court in the cases of ***Nutan Kumari Vs. B.R.A. Bihar university & Others*** reported in ***(2024) 13 SCC 432*** and ***Ramjit Singh Kardam Vs. Sanjeev Kumar & Others*** reported in ***(2020) 20 SCC 209***.

52. The learned Senior Counsel submitted that it would not be incorrect to contend that the decision taken on 13.08.2024, after the Advertisement in respect to the manner in which the selection would be carried out amounts to changing the Rules of the game at a subsequent stage, and in that regard, referred to the judgment of the Supreme Court in the case of ***Tej Prakash Pathak & Others Vs. Rajasthan High Court & Others*** reported in ***(2025) 2***

SCC 1.

53. The learned Senior Counsel submitted that if the proficiency and skill test were to be evaluated on the basis of a viva-voce test then granting only 6 to 7 minutes would not be sufficient to evaluate the various criteria as set out in the Minutes of the Meeting dated 13.08.2024. The learned Senior Counsel, therefore, submitted that this is a case wherein the selection so conducted was in a perfunctory manner and therefore, the entire Select List stands vitiated.

54. The learned Senior Counsel for the Petitioners further drawing the attention of this Court to paragraph Nos. 22 and 23 of the writ petition submitted that the private Respondents who were detailed out in the said paragraphs were appointed as members of the Foreigners Tribunals, and therefore they could not have been selected as was the mandate of Clause 8(iv) of the Advertisement. However, despite the stipulation in the Advertisement, these private Respondents were selected.

55. The learned Senior Counsel for the Petitioners relying upon the judgment of the Supreme Court in the case of **Dr. Krushna Chandra Sahu & Others Vs. State of Orissa & Others** reported in **(1995) 6 SCC 1** and **Nutan Kumari (supra)** submitted that the

Selection Boards were not authorized to fix the criteria or the marks without the instructions from the State Government.

56. Concluding the arguments, the learned Senior Counsel for the Petitioners therefore submitted that the impugned Select List violates the mandate of Article 14 and Article 16 of the Constitution and therefore liable to be interfered with.

57. Mr. D. Saikia, the learned Advocate General appearing on behalf of the State submitted that the Petitioners herein have no *locus standi* to assail the selection process. The learned Advocate General submitted that the Petitioners applied pursuant to the Advertisement, filled up the forms as per the format provided in the Advertisement and at that very point of time, the Petitioners never raised any objection as to how, on the basis of the Advertisement and the format of the application form, the proficiency-cum-skill test would be evaluated. The learned Advocate General further submitted that pursuant to the decision taken in the meeting of the Selection Boards held on 13.08.2024, the procedure was devised by the Selection Boards for the simple purpose that a uniform yard stick is applied across the Board by each of the Selection Boards while evaluating the candidates. The Petitioners were duly informed vide the call letters as to what

were the documents to be produced during the viva-voce test. The Petitioners thereupon participated in the viva-voce test in terms with the call letters, and then also never questioned that the instructions at Clauses 5 and 6 of the Instruction for Candidates should have been a part of the Advertisement.

58. The learned Advocate General submitted that pursuant to the viva-voce test, the Petitioners knew that the documents which were mentioned in Clauses 5 and 6 of the Instruction for Candidates in the call letters were not kept on record rather returned to the candidates, but the Petitioners then also did not object to the said procedure followed, and awaited for the results. The learned Advocate General submitted that the results were announced after seven months from the last date of the interview and the Petitioners never raised any objection as to the procedure followed. After the results were announced on 21.11.2025, the Petitioners approached this Court by filing the writ petition on 07.01.2026. The learned Advocate General therefore submitted that this is a case wherein the Petitioners, after having participated in the said selection process and having found the results to be unpalatable have resorted to challenging the selection process. The learned Advocate General, therefore, submitted that the Petitioners do not have the *locus standi* to

challenge the selection process and in that regard referred to the judgment rendered by the Supreme Court in the case of ***Madan Lal & Others Vs. State of J&K & Others*** reported in ***(1995) 3 SCC 486***. The learned Advocate General submitted that this proposition of law have been followed by the Supreme Court from time to time. The said aspect would be apparent from a subsequent judgment rendered by the three-Judge Bench of the Supreme Court in the case of ***Mohd. Mustafa Vs. Union of India & Others*** reported in ***(2022) 1 SCC 294***.

59. The learned Advocate General further submitted that it is totally misconceived on the part of the Petitioners to submit before this Court that the ratio of the candidates vis-à-vis the posts were too high, and there should have been any other procedure to be followed. The learned Advocate General submitted that the said aspect cannot be countenanced in view of the settled principles of law. In that regard, the learned Advocate General submitted that though 5,238 applications were submitted against 299 posts, but only 2,390 candidates had participated in the viva-voce test. The learned Advocate General submitted that the ratio is even less than 10 against each post without taking into account that many candidates like the Petitioner Nos. 1, 2 and 3 have applied in two categories of posts. In that regard, the learned Advocate General

had referred to paragraph No. 5(a) to the rejoinder affidavit filed by the Respondent No. 2, wherein such details were provided. The learned Advocate General further submitted that though the Supreme Court in the case of ***Sardara Singh & Others Vs. State of Punjab & Others*** reported in ***(1991) 4 SCC 555***, had held that 3 minutes of interview was sufficient for the purpose of selection of Patwaris but the Selection Boards have resolved in the meeting dated 13.08.2024 that each candidate would be given 6 to 7 minutes. The learned Advocate General submitted that even after resolving that each candidate would be given 6 to 7 minutes, the candidates were given 20 to 25 minutes in the viva-voce test, and in respect to some candidates, even 30 to 35 minutes were also granted. In that regard, the learned Advocate General further referred to paragraph No. 5(b) of the rejoinder affidavit.

60. On allegations that the application/petition/appeal, etc., as well as the judgments so produced by the candidates were not retained, the learned Advocate General submitted that the Selection Board sought for those documents for the purpose of evaluating the candidates. The learned Advocate General submitted that the Selection Boards instead of asking the candidates to write an appeal/application or petition, thought it prudent to ask question from the applications/appeals/petitions

claimed by the candidates to have drafted. Further, the judgments produced were used to evaluate the candidates as regards the basis of the arguments put forward before the Criminal Courts. This aspect would be apparent from the perusal of the Minutes of the Meeting dated 13.08.2024 wherein it was clearly mentioned that the said documents were for evaluation purpose. The learned Advocate General submitted that therefore retaining the records of these applications/petitions/appeals etc., as well as the orders/judgments were not necessary. Apart from that, all other documents so submitted along with the Application Forms as well as the tabulation of the assessment of the candidates are available in the records. The records were placed before this Court.

61. The learned Advocate General further submitted that there was no necessity of Clauses 5 and 6 of the Instruction for Candidates in the call letters to be a part of the Advertisement inasmuch as what is required as per the Advertisement are relating to the qualifications and eligibility criteria which were duly mentioned in the application form itself. The requirements of the production of the documents as mentioned in Clauses 5 and 6 of the Instruction for Candidates forms a part of the selection process for evaluation of the candidates. The learned Advocate General therefore submitted that there is a difference between the

recruitment process as well as the selection process inasmuch as the recruitment process envelops within itself the various stages, of which one would be the selection process.

62. The learned Advocate General, further elaborating his submission submitted that Rule 19(ii) of the Rules of 2023 makes it very clear that proficiency-cum-skill test would be conducted by a viva-voce test and not by any written examination. The said Rule confers authority upon the Selection Board to devise method for the proficiency-cum-skill test. Furthermore, vide the Notification dated 20.06.2024, the Selection Boards were asked to devise the proficiency-cum-skill test. Referring to the Minutes of the Meeting dated 13.08.2024, the learned Advocate General submitted that the 3 (three) Selection Boards in order to maintain uniformity in the selection process unanimously resolved that 70 marks would be assigned for assessing the requisite qualities, drafting skills, analytical presentation skills, mental agility, and quick grasp of arguments and quoting judicial references etc. The remaining 30 marks were divided of which 20 marks was for assessing the requisite qualities of personality, temperament which also comes within the ambit of mental agility and 10 marks was for academic performance, taking the average of the marks obtained up to Graduation and LLB.

63. The learned Advocate General, referring to the judgment of the Supreme Court in the case of ***Pradeep Kumar Rai & Others Vs. Dinesh Kumar Pandey & Others*** reported in ***(2015) 11 SCC 493*** submitted that the procedures so adopted by the Selection Boards cannot be called in question unless oblique motive is alleged and proved. There are no allegations in that regard in the writ petition. The learned Advocate General further referring to the judgment of the Supreme Court in the case of ***Sadananda Halo & Others Vs. Momtaz Ali Sheikh & Others*** reported in ***(2008) 4 SCC 619*** submitted that it is a settled law that a roving inquiry on factual aspects is not permissible inasmuch as the Court is only to test the fairness of the selection process and not to place itself into a position of a fact-finding commission, that too, at the instance of those Petitioners who were unsuccessful candidates.

64. The learned Advocate General further referring to the judgment of ***Sadananda Halo (supra)*** submitted that it is also well settled that a mere expression of doubt only on the ground of large number of candidates appearing and alleging that the candidate were not objectively and properly tested without any further material cannot by itself render the whole selection process illegal.

65. The learned Advocate General submitted referring to the rejoinder affidavit so filed that though there were 299 posts which were advertised only 241 posts could be filled up as the Selection Boards did not find adequate candidates who were proficient in the skill test.

66. The learned Advocate General submitted that taking into account that there was a requirement of an able prosecution team, the Selection Boards in question carried out a detailed evaluation as per the modalities formulated and on the basis thereof had recommended the candidates.

67. Referring to the marks obtained by the Petitioners, the learned Advocate General drew the attention of this Court to paragraph No. 5(c) of the rejoinder affidavit and submitted that the Petitioner Nos. 1, 2 and 3 failed to obtain the requisite marks and as such, the Petitioners were not selected. The learned Advocate General further submitted that the records reveal that though the Petitioner No. 4 applied for the post of Additional Public Prosecutor, but remained absent in the viva-voce test. The learned Advocate General therefore submitted that this is a fit case wherein this Court may dismiss the instant writ petition, primarily on the ground that the Petitioners do not have the *locus*

standi, as is well settled by the Supreme Court in various judgments. Apart from that, the allegations of opacity or non-transparency in the selection proceedings are completely unfounded. The selection proceedings were conducted in a fair manner, giving due opportunities to all the candidates who participated in the viva-voce test.

68. The learned Advocate General concluded his submission by referring to the judgment of the Supreme Court in the case of ***Tajvir Singh Sodhi & Others Vs. State of Jammu and Kashmir & Others*** reported in **(2023) 17 SCC 147**, and relied upon paragraph Nos. 31 to 37, as to the circumstances under which a Court may interfere with a selection process.

69. Mr. T.J. Mahanta, the learned Senior Counsel who represents some of the private Respondents submitted that the issue involved in the instant proceedings is squarely covered by the judgments of the Supreme Court in the cases of ***Pradeep Kumar Rai (Supra)*** as well as ***Karnati Ravi & Another Vs. Commissioner, Survey Settlements and Land Records & Others*** reported in **(2018) 12 SCC 635**, wherein the Supreme Court categorically observed that if the candidate had participated in the process of interview and not challenged it till the results were declared, the candidates cannot

be permitted to assail the selection process inasmuch as permitting the candidates to assail the selection process would amount to permitting the candidates to approbate and reprobate at the same time. The learned Senior Counsel further submitted that the timeline, if noticed, would clearly show that the interviews were over as on 08.04.2025 and the Petitioners did not challenge the proceedings till 07.01.2026.

70. The learned Senior Counsel, further referring to Clause 8(iv) of the Advertisement dated 02.01.2024 submitted, that the said Clause has no relevance to the eligibility for participating in the selection process. For being eligible to participate, the candidate has to have the qualification as set out in the Advertisement read with Rule 7 of the Rules of 2023. What is postulated in Clause 8(iv) of the Advertisement is that there should be a self-declaration that the candidate after enrollment had not left practice as Advocate and not joined any other service/profession/business. There is no mention in the writ petition that the persons mentioned at paragraph Nos. 22 and 23 of the writ petition had not filed the self- declaration. The learned Senior Counsel submitted that if there is any false statement being submitted, it would result in rejection of his or her candidature and/or lead to a termination from service if detected after joining

service. The learned Senior Counsel, therefore, submitted that even if assuming that the persons mentioned at paragraph Nos. 22 and 23 had left practice as Advocate, it would not debar if they have the qualification as mentioned in the Advertisement read with Rule 7 of the Rules of 2023.

71. Mr. K.N. Choudhury, the learned Senior Counsel for the Petitioners rejoining his earlier submissions submitted that the proposition of law, as held by the various Supreme Court judgments that the candidate, after participating in a selection process would not have the *locus* to challenge the selection process has to be applied depending on the facts of each case. Referring to the judgment of the Supreme Court in the case of ***DR (Major) Meeta Sahai Vs. State of Bihar & Others*** reported in **(2019) 20 SCC 17**, the learned Senior Counsel submitted that when a candidate agrees to participate in the selection process, he/she only accepts the prescribed procedure and not the illegality in it. In a situation where a candidate alleges misconstruction of a statutory rule and discriminatory consequences arising therefrom, the same cannot be condoned merely because a candidate has partaken in it. The learned Senior Counsel submitted that these principles of law have been recently affirmed by the three-Judge Bench in the case of ***Salam Samarjeet Singh Vs. High Court of***

Manipur At Imphal & Another reported in **(2024) 14 SCC 179**. The learned Senior Counsel therefore submitted that as the provisions of Article 14 and 16 of the Constitution are sacrosanct, and its violation can only be assailed by the candidate if he or she participates in the selection process.

72. The learned Senior Counsel for the Petitioners also relied upon the judgments of the Supreme Court in the case of ***Nutan Kumari (supra)***; ***Satpal & Others Vs. State of Haryana*** reported in **1995 Suppl (1) SCC 206**; ***Ramjit Singh Kardam (supra)*** and ***Raj Kumar & Others Vs. Shakti Raj & Others*** reported in **(1997) 9 SCC 527**.

POINTS FOR DETERMINATION

- (i) Whether the Petitioners have the *locus standi* to challenge the selection process?
- (ii) Whether the selection process is vitiated on account of violation of Articles 14 and 16 of the Constitution of India?

ANALYSIS AND DETERMINATION

FIRST POINT FOR DETERMINATION

73. This Court in the previous segments of the instant judgment had elaborately dealt with the facts. For deciding the present point for determination certain factual aspects are required to be recapitulated. The Rules of 2023 were notified on 07.12.2023. Rule 19(ii) of the Rules of 2023 clearly stipulated what are the parameters on the basis of which the proficiency-cum-skill test is to be devised by the Selection Board while conducting the viva voce test. The parameters are drafting skills, analytical and presenting skills, mental agility and quick grasp of arguments and quoting judicial precedence etc. The Petitioners admittedly knew about Rule 19(ii) of the Rules of 2023 but did not challenge Rule 19(ii) of the Rules of 2023 till the filing of the present writ petition on 07.01.2026 after having found that the Petitioners were not selected. It is also of importance that vide a notification dated 20.06.2024, the three Selection Boards were constituted. The power so exercised is in terms with Rule 15 of the Rules of 2023. In the said Notification, the Roles and Responsibilities of the Selection Boards so constituted were clearly delineated. It included amongst others conferring the power upon the Selection Boards to devise the proficiency-cum-skill test. This power so exercised can be traced to Article 162 of the Constitution. This Notification dated 20.06.2024 is not the subject matter of challenge.

74. At this stage before proceedings on the first point for determination, this Court finds it relevant to take note of the submission of the learned Senior Counsel for the Petitioners to the effect that the Selection Boards could not have devised the criteria without instructions from the State Government. In that regard, the judgments of the Supreme Court in the cases of ***Dr. Krushna Chandra Sahu (supra)*** and ***Nutan Kumari (supra)*** were relied upon. The fallacy in the contention is apparent from a reading of both the judgments referred to by the learned Senior Counsel for the Petitioners. In the case of ***Dr. Krushna Chandra Sahu (supra)***, the Supreme Court observed at paragraph Nos. 31 to 34 that in absence of authorization by the Rules made under Article 309 of the Constitution or administrative instruction issued under Article 73 by the Central Government or Article 162 by the State Government, the Selection Board have no jurisdiction to lay down the criteria. However, in the instant case, not only Rule 19(ii) of the Rules of 2023 but also the Notification dated 20.06.2024, the Selection Boards were entrusted with the responsibility to devise the proficiency-cum-skill test for the viva voce test. The said contention of the learned Senior Counsel, therefore, stands rejected.

Be that as it may, it is also of importance to observe in the

context of the present point for determination that there was no challenge to the proficiency-cum-skill test devised by the Selection Board and applied upon the candidates, including the Petitioners, till the results were announced, wherein the Petitioners found themselves not selected.

75. Now coming back to the first point for determination, the Advertisement was issued on 02.01.2024. In the said Advertisement, the qualifications required as well as the eligibility criteria were duly mentioned. It was also categorically mentioned as to how the selection process would be conducted, i.e., by following the Rules of 2023, which included Rule 19(ii) of the Rules of 2023. The Petitioners did not challenge the Advertisement for not including more details which are enumerated in the Clause 5 and Clause 6 of the Call Letter rather participated. Upon being not selected, the Petitioners question that the advertisement did not include the requirement of Clause 5 and Clause 6 of the Call Letter.

76. Pursuant to the decision in the Minutes of the Meeting of the Selection Boards held on 13.08.2024, call letters were issued to the Petitioners. In addition to that, notices were also published in the website of the Home and Political Department of the

Government of Assam, wherein it was categorically stipulated in Clauses 5 and 6 of the Instructions for Candidates that the candidates were required to produce before the Selection Board at least one copy of application/petition/appeal, etc., drafted by the candidate himself or herself and filed and registered before a Court of Law in any criminal proceedings and further, the candidates were also required to produce before the Selection Board copies of the judgment/order passed by Court of Law in any criminal proceedings in which the candidate himself/herself appeared, conducted, and argued the matter.

77. At that time also the Petitioners did not challenge the selection process on the ground of the criteria being not made available to the candidates. The Petitioners rather participated in the viva voce test. It is further relevant to take note of that the Petitioner No. 3 appeared thrice in the viva voce tests as the said applied in three categories and the Petitioner Nos. 1 and 2 appeared twice as they applied in the two categories of posts. Surprisingly, these Petitioners did not choose to challenge the selection process on the ground that they were prejudiced for not disclosing the criteria till the results were announced when the Petitioners all failed to be selected.

78. It is of relevance to note that on 08.04.2025, the last of the interviews were held, and the Select List was published on 21.11.2025 which is after a period of more than 7 months, 13 days. However, during this period from the last date of the interview till the select list was published, the Petitioners never thought of challenging the selection process or the procedures so adopted. It was only after 21.11.2025, when the Petitioners found that their names were not included in the select list, challenged the selection process as well as the methodology adopted therein, by filing the present writ petition on 07.01.2026. At this stage, this Court finds it relevant to take note of the judgment of the Supreme Court in the case of ***Nutan Kumari (supra)*** which the learned Senior Counsel for the Petitioners relied upon. At paragraph No. 25 of the said judgment, the Supreme Court quoted the findings of the learned Single Judge of the High Court. From a perusal of the findings, it is apparent that the candidate Nutan Kumari challenged the process even before the Enquiry Committee gave its report and the learned Single Judge held that the challenge cannot be said to be belated.

79. In the backdrop of the above, the question therefore arises as to whether the Petitioners can at all be permitted at this stage to challenge the selection proceedings as well as the methodology

adopted for conducting the selection. A three-Judge Bench of the Supreme Court in the case of ***Dr G. Sarana Vs. University of Lucknow & Others*** reported in ***(1976) 3 SCC 585*** dealt with the question as to whether after appearing before the Selection Committee and on the failure of the candidate to get appointed can the selection results be challenged, pleading bias against 3 out of the 5 members of the selection committee. The Supreme Court, in the said judgment, observed that the appellant therein knew all the relevant facts but he did not, before appearing for the interview or at the time of the interview, raise even a little finger against the Constitution of the Selection Committee. The Supreme Court observed that the Appellant therein had voluntarily appeared before the Committee and had taken a chance and having done so, it was not open to the Appellant in the said proceedings to turn around and question the Constitution of the Selection Committee.

80. In the case of ***Madan Lal (supra)***, the Supreme Court dealt with the question as to whether a person after participating in a selection process and later on finding the result unpalatable, turn around to contend that the process was unfair or the selection committee was not properly constituted. Paragraph No. 9 of the said judgment, being relevant, is reproduced herein under:

“9. Before dealing with this contention, we must keep in view the salient fact that the petitioners as well as the contesting successful candidates being respondents concerned herein, were all found eligible in the light of marks obtained in the written test, to be eligible to be called for oral interview. Up to this stage there is no dispute between the parties. The petitioners also appeared at the oral interview conducted by the Members concerned of the Commission who interviewed the petitioners as well as the contesting respondents concerned. Thus the petitioners took a chance to get themselves selected at the said oral interview. Only because they did not find themselves to have emerged successful as a result of their combined performance both at written test and oral interview, they have filed this petition. It is now well settled that if a candidate takes a calculated chance and appears at the interview, then, only because the result of the interview is not palatable to him, he cannot turn round and subsequently contend that the process of interview was unfair or the Selection Committee was not properly constituted. In the case of Om Prakash Shukla v. Akhilesh Kumar Shukla it has been clearly laid down by a Bench of three learned Judges of this Court that when the petitioner appeared at the examination without protest and when he found that he would not succeed in examination he filed a petition challenging the said examination, the High Court should not have granted any relief to such a petitioner.”

81. In the case of ***Satpal (supra)***, a three-Judge Bench of the Supreme Court was examining the challenge to the selection of 1313 candidates as Patwaris under the provisions of the Haryana Revenue Patwaris (Group C) Service Rules, 1981. The said selection was challenged by the unsuccessful candidates. The Supreme Court upheld the setting aside of the selection by the High Court. However, it is relevant to note that the Supreme Court

in the said judgment did not specifically go into the issue as to whether the unsuccessful candidates could have challenged the selection. Rather, the Supreme Court considered the selection to be illegal on the grounds i.e. (1) a large majority of the candidates were appointed from one constituency represented by the son of the Chief Minister (2) the selection process was reduced to a mockery as hardly a minute or two was devoted to each candidate and (3) the percentage of the marks allotted for the interview was 85%, which left room for arbitrary pick and choose.

82. The next case is the case of ***Raj Kumar (supra)*** where the Supreme Court dealt with the judgment of the Supreme Court in the case of ***Madan Lal (supra)*** and observed that where the Government committed glaring illegalities in the procedure to get the candidates for examination under the Rules in force and the method of selection was contrary to the Rules, the principles of estoppel by conduct or acquiescence had no application. Paragraph No. 16 of the said judgment being relevant is reproduced hereinunder:

“16. Yet another circumstance is that the Government had not taken out the posts from the purview of the Board, but after the examinations were conducted under the 1955 Rules and after the results were announced, it exercised the power under the proviso to para 6 of 1970 Notification and the posts were taken out from the purview thereof. Thereafter the Selection Committee was constituted

for selection of the candidates. The entire procedure is also obviously illegal. It is true, as contended by Shri Madhava Reddy, that this Court in Madan Lal v. State of J&K and other decisions referred therein had held that a candidate having taken a chance to appear in an interview and having remained unsuccessful, cannot turn round and challenge either the constitution of the Selection Board or the method of selection as being illegal; he is estopped to question the correctness of the selection. But in his case, the Government have committed glaring illegalities in the procedure to get the candidates for examination under the 1955 Rules, so also in the method of selection and exercise of the power in taking out from the purview of the Board and also conduct of the selection in accordance with the Rules. Therefore, the principle of estoppel by conduct or acquiescence has no application to the facts in this case. Thus, we consider that the procedure offered under the 1955 Rules adopted by the Government or the Committee as well as the action taken by the Government are not correct in law."

83. It is of relevance to note that a perusal of the judgment of the Supreme Court in the case of **Raj Kumar (supra)** makes it clear that when a selection is held beyond the purview of the Rules, the principles of estoppel or acquiescence would not come in the way of a candidate to assail the selection process after the candidate was rejected. In the opinion of this Court, the said judgment would not apply to the facts of the instant case inasmuch as there is no allegation that the selection proceedings were contrary to the Rules of 2023.

84. In **Sadananda Halo (supra)**, the Supreme Court observed at paragraph No. 59 that it is the general rule that an unsuccessful

candidate cannot turn back and assail the selection process. Paragraph No. 59 of the said judgment, being relevant, is reproduced herein under:

“59. It is also a settled position that the unsuccessful candidates cannot turn back and assail the selection process. There are of course the exceptions carved out by this Court to this general rule. This position was reiterated by this Court in its latest judgment in Union of India v. S. Vinodh Kumar where one of us (Sinha, J.) was a party. This was a case where different cut-off marks were fixed for the unreserved candidates and the Scheduled Caste and Scheduled Tribe candidates. This Court in para 10 of its judgment endorsed the action and recorded a finding that there was a power in the employer to fix the cut-off marks which power was neither denied nor disputed and further that the cut-off marks were fixed on a rational basis and, therefore, no exception could be taken. The Court also referred to the judgment in Om Prakash Shukla v. Akhilesh Kumar Shukla where it has been held specifically that when a candidate appears in the examination without protest and subsequently is found to be not successful in the examination, the question of entertaining the petition challenging such examination would not arise. The Court further made observations in para 34 of the judgment to the effect: (S. Vinodh Kumar case, SCC p. 107, para 19)

“19. ... '34. There is thus no doubt that while question of any estoppel by conduct would not arise in the contextual facts but the law seems to be well settled that in the event a candidate appears at the interview and participates therein, only because the result of the interview is not "palatable" to him, he cannot turn round and subsequently contend that the process of interview was unfair or there was some lacuna in the process.' ”

In para 20 this Court further observed that there are certain exceptions to the aforementioned rule. However, the Court did not go into those exceptions since the same were not material.”

85. In the case of ***Pradeep Kumar Rai (supra)***, the Supreme Court categorically held that once the candidate had participated in the process of interview and not challenged it till the results were declared, and there was a gap of almost 4 months between the interview and the declaration of the results, the candidates cannot be allowed to challenge the selection process. Paragraph No. 17 of the said judgment being relevant is reproduced herein under:

“17. Moreover, we would concur with the Division Bench on one more point that the appellants had participated in the process of interview and not challenged it till the results were declared. There was a gap of almost four months between the interview and declaration of result. However, the appellants did not challenge it at that time. Thus, it appears that only when the appellants found themselves to be unsuccessful, they challenged the interview. This cannot be allowed. The candidates cannot approbate and reprobate at the same time. Either the candidates should not have participated in the interview and challenged the procedure or they should have challenged immediately after the interviews were conducted. (See Vijendra Kumar Verma v. Public Service Commission⁶ and K.H. Siraj v. High Court of Kerala)”

86. In the case of ***Karnati Ravi (supra)***, the Supreme Court observed that when all the candidates have participated in the selection both in the written examination, though not prescribed one, for which there is no objection, as also the physical endurance test, they cannot later challenge the procedure inasmuch as if they had participated in the selection without any objection.

87. In the case of ***DR (Major) Meeta Sahai (supra)***, the Supreme Court while deciding the preliminary objection raised as to the maintainability of the challenge to the selection proceedings by an unsuccessful candidate, observed that there is a fundamental distinction between a candidate agreeing to participate in the selection process and challenging the selection process inasmuch as when the candidate participates in the selection process, he only agrees to the prescribed process, but not the illegality in the selection process. The Supreme Court further observed that if the candidate did not participate, the candidate could not have known about the illegality. Paragraph Nos. 16 and 17 of the said judgment are relevant and as such the same are reproduced herein under:

"16. It is well settled that the principle of estoppel prevents a candidate from challenging the selection process after having failed in it as iterated by this Court in a plethora of judgments including Manish Kumar Shahi v. State of Bihar, observing as follows: (SCC p. 584, para 16)

"16. We also agree with the High Court that after having taken part in the process of selection knowing fully well that more than 19% marks have been earmarked for viva voce test, the appellant is not entitled to challenge the criteria or process of selection. Surely, if the appellant's name had appeared in the merit list, he would not have even dreamed of challenging the selection. The [appellant] invoked jurisdiction of the High Court under Article 226 of the Constitution of India only after he found that his name does not figure in the merit list prepared by the Commission. This conduct of the appellant clearly

disentitles him from questioning the selection and the High Court did not commit any error by refusing to entertain the writ petition."

The underlying objective of this principle is to prevent candidates from trying another shot at consideration, and to avoid an impasse wherein disgruntled candidate, having failed the selection, challenges it in the hope of getting a second chance.

17. *However, we must differentiate from this principle insofar as the candidate by agreeing to participate in the selection process only accepts the prescribed procedure and not the illegality in it. In a situation where a candidate alleges misconstruction of statutory rules and discriminating consequences arising therefrom, the same cannot be condoned merely because a candidate has partaken in it. The constitutional scheme is sacrosanct and its violation in any manner is impermissible. In fact, a candidate may not have locus to assail the incurable illegality or derogation of the provisions of the Constitution, unless he/she participates in the selection process."*

88. It is of relevance to note that in the case of ***Salam Samarjeet Singh (supra)***, the three Judges Bench of the Supreme Court approved the observations made in the case of ***DR (Major) Meeta Sahai (supra)***.

89. In the case of ***Ramjit Singh Kardam (supra)***, the Supreme Court dealt with the question of estoppel qua a candidate who failed to qualify in the recruitment. The Supreme Court observed that when the selection criteria only saw the light of the day along with the declaration of the result, the selection result could be

assailed by the unsuccessful candidates only after it was published. The Supreme Court in the said judgment further observed that the selection process which was notified was not followed and the selection criteria which was followed was never notified till the declaration of the results. Paragraph No. 45 of the said judgment is relevant and the same is reproduced herein under:

“45. The Division Bench of the High Court is right in its conclusion that the selection criteria, which saw the light of the day along with declaration of the selection result could be assailed by the unsuccessful candidates only after it was published. Similarly, selection process which was notified was never followed and the selection criteria which was followed was never notified till the declaration of final result, hence, the writ petitioners cannot be estopped from challenging the selection. We, thus, hold that the writ petitions filed by the petitioners could not have been thrown on the ground of estoppel and the writ petitioners could very well challenge the criteria of selection applied by the Commission, which was declared by the Commission only at the time of declaration of the final result. We, thus, answer Points 1 and 2 as follows:

45.1. The writ petitioners, who had participated in the selection are not estopped from challenging the selection in the facts of the present case.

45.2. The writ petitioners could have very well challenged the criteria of selection, which was declared by the Commission only in the final result declared on 10-4-2010.”

90. In the case of **Mohd. Mustafa (supra)**, the Supreme Court after taking into account the various settled precedents right from

the judgment of the Supreme Court in the case of ***Manak Lal v. Dr. Prem Chand Singhvi*** reported in ***AIR 1957 SC 425***, observed that it was well settled that when a candidate takes a calculated chance in spite of the stakes involved, that too without protest, and then belatedly raised the plea of bias and prejudice only when he was not recommended, such plea could not have been accepted.

91. In the case of ***Tajvir Singh Sodhi (supra)***, the Supreme Court also held that it was not permissible for a candidate to challenge before a Court of Law; the rationale behind recasting the selection criteria as the candidates had willingly taken part in the selection process even after the criteria has been so recast. The Supreme Court further added that the only exception to the Rule of waiver is the existence of mala fides on the part of the selection board. Paragraph Nos. 39 and 40 of the said judgment is reproduced herein under:

“39. It is therefore trite that candidates, having taken part in the selection process without any demur or protest, cannot challenge the same after having been declared unsuccessful. The candidates cannot approbate and reprobate at the same time. In other words, simply because the result of the selection process is not palatable to a candidate, he cannot allege that the process of interview was unfair or that there was some lacuna in the process. Therefore, we find that the writ petitioners in these cases, could not have questioned before a court of law, the rationale behind recasting the selection criteria, as they willingly took part in the selection process even after the criteria had been so recast. Their candidature

was not withdrawn in light of the amended criteria. A challenge was thrown against the same only after they had been declared unsuccessful in the selection process, at which stage, the challenge ought not to have been entertained in light of the principle of waiver and acquiescence.

40. *This Court in Sadananda Halo has noted that the only exception to the rule of waiver is the existence of mala fides on the part of the Selection Board. In the present case, we are unable to find any mala fides or arbitrariness in the selection process and therefore the said exception cannot be invoked."*

92. In the case of **Nutan Kumari (supra)**, which this Court had already dealt with earlier, it is relevant to observe that the said proceedings were initiated at the behest of the Appellant before the Supreme Court as well as the selected candidates when the Vice Chancellor issued notices to the selected candidates as to why their appointments should not be cancelled.

93. The above propositions of law as laid down by the Supreme Court makes it thus clear that it is the general proposition of law that a candidate who participated in a selection process knowing what were the steps taken and did not object to the same, till the results were pronounced, the candidate later on finding that the results being unpalatable cannot be permitted to challenge the selection process.

94. The above general proposition of law are subject to certain

exception carved out by various judgments by the Supreme Court itself. The judgments in the cases of ***Raj Kumar (supra)*** and ***Ramjit Singh Kardam (supra)*** held that if the selection process was held contrary to the Rules and the Statutory Notifications, the general proposition of law cannot be applied to non-suit a candidate who failed in the selection. The judgment in the case of ***Ramjit Singh Kardam (supra)*** also emphasized that when the criteria for selection was contrary to the advertisement and disclosed at the time of the results then the general proposition of law to non suit a candidate who failed to be selected cannot be applied. The judgments in the case of ***DR (Major) Meeta Sahai (supra)*** and in the case of ***Salam Samarjeet Singh (supra)*** observed that merely by participating in the selection process, the candidate only agrees to the selection procedure prescribed and not the illegalities in the selection proceedings. The Supreme Court in both the judgments observed that how would a candidate know about the illegalities in the selection proceedings unless the candidate had participated in the selection proceedings. In short the exceptions carved out to the application of the general proposition of law are:

- (A) When the selection proceedings are held contrary to the Rules framed under Article 309 of the Constitution as well as

the Statutory Notifications issued under Article 73 or Article 162 of the Constitution.

(B) Where the criteria disclosed in the advertisement was not followed or no criteria were disclosed till the results were announced.

(C) Where there are apparent illegalities in the selection process carried out beyond the prescribed procedure which the candidate noticed while participating in the selection process.

95. This Court finds it relevant at this stage to observe that the aforementioned exceptions would only come into play when such illegalities upon being noticed are assailed at the earliest opportunity. This opinion of this Court is based upon the judgments of the Supreme Court in the cases of ***Pradeep Kumar Rai (supra)***, ***Karnati Ravi (supra)*** as well as ***Tajvir Singh Sodhi (supra)***. For example, if the candidate had noticed while participating in the interview process flagrant violation of the Rules and Statutory Notifications, the candidate has to take appropriate measures forthwith and not await for the results. Similarly, if on account of the criteria not being disclosed or for that matter a

different criteria is applied, the candidate has to initiate appropriate proceedings and forthwith. For the sake of clarity, this Court observes that if the exceptions carved out hereinabove, comes into light only upon the results announced, there is no bar for challenging the selection proceedings.

96. In the backdrop of the above, let this Court take up the facts involved. The Petitioners herein did not challenge Rule 19(ii) of the Rules of 2023 till the impugned Select List was published wherein the Petitioners were not selected.

97. The Petitioners did not challenge the advertisement dated 02.01.2024 on the vagueness of the criteria for selection. It is relevant to mention that at Clause 9 of the Advertisement, it was categorically mentioned that the selection would be made in terms with the Rules of 2023. At this stage, it may not be out of place to mention that the Rules of 2023 categorically stipulate the powers and functions of the posts of Public Prosecutor, Additional Public Prosecutor as well as Assistant Public Prosecutor. Apart from that, the Rules of 2023 stipulates what are the eligibility conditions. Rule 19 (ii) clearly discloses the criteria to be looked into by the Selection Board and the proficiency-cum-skill test be devised to evaluate candidates on the basis of drafting skills, analytical and

presentation skills, mental agility, quick grasp of arguments, quoting judicial precedence etc. The Petitioners therefore were aware of the criteria on the basis of which the proficiency-cum-skill test would be based.

98. The Petitioners received the call letters wherein instructions were issued to the candidates. The Petitioners did not assail the selection proceedings then on the ground that the Instructions to the Candidates were vague or were not in accordance with the advertisement or the Rules of 2023. The Petitioners also did not assail the advertisement on the ground that the requirement of Clauses 5 and 6 of the Instructions to the Candidates contained in the Call Letters were not part of the advertisement. In addition to that, Clause 5 and Clause 6 of the Call Letters provided what would be taken into consideration.

99. The Petitioner Nos. 1, 2 & 3 participated in the viva voce test not once but twice in the case of the Petitioner Nos. 1 and 2 and thrice in the case of the Petitioner No. 3. Having participated more than once, the Petitioners did not find it necessary to assail the selection proceedings or the illegality in the selection proceedings. Rather, the Petitioners waited for the results and finding the results not palatable have challenged the selection proceedings.

Insofar as the Petitioner No. 4 is concerned, the said Petitioner having been issued a call letter did not care to be present in the selection proceedings and now have chosen to challenge the same.

100. In the opinion of this Court, the case of the Petitioners squarely falls with the general proposition of law well settled by the Supreme Court that a candidate having participated in the selection proceedings cannot be allowed to challenge the proceedings after having found the result of the selection proceedings not palatable. Apart from the above, the Petitioners have failed to show that their cases come within the exceptions.

SECOND POINT FOR DETERMINATION

101. The second point for determination relates to the legality and validity of the Select List. In view of the decision in the first point for determination, there is no necessity for this Court to deal with the second point for determination at the instance of the Petitioners. However, taking into account that various allegations have been made to the selection process, this Court finds it relevant to deal with the same.

102. In the foregoing paragraphs of the instant judgment, details

have been provided as to how the Selection Boards were constituted. A perusal of Rule 15 (as amended) of the Rules of 2023 would show that the Selection Boards so constituted vide the Notification dated 20.06.2024 is in terms with the said Rules. Under such circumstances, there arises no issue as regards the Constitution of the Selection Boards.

103. Rule 19(ii) of the Rules of 2023 categorically mandates on what basis the proficiency-cum-skill test would be devised and who would devise the proficiency-cum-skill test. While deciding the first point for determination, this Court elaborately dealt with that power was conferred upon the Selection Boards to devise the proficiency-cum-skill test under the Rules of 2023 as well as by the Notification dated 20.06.2024. Therefore, the Selection Boards so constituted had the authority and jurisdiction to devise the proficiency-cum-skill test. In the case of ***Dr. Krushna Chandra Sahu (supra)***, the Supreme Court observed that if the power was conferred on the basis of the Rules made under Article 309 of the Constitution or the Notification issued under Article 73 or Article 162 of the Constitution, the Selection Board would have the authority to devise the method of selection. The above would therefore show that the Selection Boards had the authority.

104. Let this Court now take note of the submission of the learned Senior Counsel for the Petitioners that the criteria was not known to the Petitioners till the filing of the affidavit by the Respondent State whereby the Minutes of the Selection Boards dated 13.08.2024 were enclosed. Let this Court first understand what were the criteria for selection. Rule 19(ii) of the Rules of 2023 clearly stipulated the parameters/criteria that would be taken into consideration for the purpose of selection of the candidates. They are:

(A) Candidates having substantial experience.

(B) Drafting skills

(C) Analytical and Presentation skills

(D) Mental Agility

(E) Quick grasp of arguments

(F) Quoting judicial precedence; etc.

The proficiency-cum-skill test was to be devised by the Selection Board keeping in mind the aforesaid parameters/criteria.

The use of the word “etc” in Rule 19(ii) of the Rules of 2023 further makes it clear that the Selection Boards could take into consideration something more which have a correlation to criteria mentioned in Criteria A to F. In other words, the principles of *ejusdem generis*.

105. For the purpose of uniformity in the selection proceedings to be carried out by the three Selection Boards, the members of the three Selection Boards decided that the candidates would be evaluated upon 100 marks. The total 100 marks were sub-divided into three categories for the purpose of assessment:

(A) 70 marks for assessing the requisite qualities, drafting skills, analytical, presentation skills, mental agility and quick grasp of arguments and quoting judicial precedence, etc.

(B) 20 marks for assessing the requisite qualities of personality, temperament.

(C) 10 marks for overall academic performance of the candidates by taking the average of all the marks upto graduation and LL.B.

At this stage, this Court finds it relevant to observe that the

three selection criteria were applied across each of the candidates who had participated as would appear from the records which were produced before this Court by the Respondent State.

106. The grievance of the Petitioners was that they were not aware that the marking would be carried out in the manner decided in the Minutes of the Meeting dated 13.08.2024 and as such, the selection proceedings stands vitiated. In that regard, the learned Senior Counsel appearing on behalf of the Petitioners referred to the judgments of the Supreme Court in the case of ***Nutan Kumari (supra)*** as well as ***Ramjit Singh Kardam (supra)***.

107. It would be apposite at this stage to deal with the factual aspect of the judgments referred to by the learned Senior Counsel for the Petitioners. In the case of ***Nutan Kumari (supra)***, an advertisement was issued for appointment of PTIs in four constituent colleges. Three specific conditions were laid down as eligibility criteria. Amongst the three conditions, one of the conditions was having possession of Bachelor degree in Physical Education or Graduation with Diploma in Physical Education. The Selection Board on their own decided to allocate different marks for different qualifications, that too on the date of the interview. The candidates who were having BPE and B.P.Ed., though had

secured less marks in those examinations, were given more marks than the candidate who had D.P.Ed. This was done without anything mentioned in the advertisement, as well as no power was conferred by the Rules made under Article 309 of the Constitution or Notification issued under Article 162 of the Constitution to the Selection Board to do so. The said aspect would be apparent from paragraph No. 24 of the said judgment which is reproduced hereinunder:

“24. Coming back to the case in hand, the learned Single Judge has scrupulously examined the records and the pleadings in the petitions and made the following pertinent observations in respect of the selection process adopted by the Selection Committee constituted by Respondent 1 — University: (Nutan Kumari case, SCC OnLine Pat paras 11-14)

“11. There are three types of Physical Education qualification. The first is a three-year Physical Education course after Intermediate resulting in degree of BPE. The second is a three-year graduation course in any subject after Intermediate plus one-year Physical Education course conducted by University leading to BPED Degree and the third is three-year graduation course in any subject after Intermediate and one-year Physical Education diploma course conducted by School Examination Board leading to DPED. The Selection Committee on the date of interview evolved marking system for Graduation level which as noted above was as follows.

12. For candidates with BPE and BPED their marks scored in BPE and BPED. were only taken and in a graded manner. If they had scored more than 75% they were awarded 40 out of 40, if they scored 60-75% they were awarded 30 out of 40, if they had scored 45-60% they were awarded 25 out of 40 and if

they had scored below 45% they were awarded 20 out of 40 but when it came to DPED their marks scored were calculated differently. Their marks out of 40 for Graduation was split into two of 20 marks each, 20 marks for their three-year graduation course and only 20 marks maximum for their Physical Education course. The result was that though petitioner, Nutan Kumari had 83.6% in DPED, she was awarded only 20 marks, whereas others who had scored lesser marks in Physical Education but had BPE or BPED. were given higher marks on that basis ignoring their Graduation or other marks. For example, Ravi Shankar Kumar who had got 80% was given 40 marks, Mithilesh Kumar Mani who had scored 72.6% was given 30 marks, Chandrama Singh who had scored 55% was given 25 marks and Sanjay Kumar Singh who scored 57% was given 25 marks.

13. Then the challenge is to the marks on higher qualification and experience. It is submitted that the two are different criterion but the total marks combined has been fixed at 10 not disclosing any bifurcation or any criteria.

14. Then is the marks for viva (interview), which is 30% of the total marks, as noted in the very beginning, the same set of five members on the same day interviewed the selected candidates four times, one time each for each College and gave drastically different marks. First, in this regard it is submitted that this shows the erratic irrational marking on subjective satisfaction, which interview marks being as high as 30% is irrational, especially, when it is showed that the difference between selection and non-selection was barely a few marks."

In the instant case, the Rules of 2023 as well as the Notification dated 20.06.2024 permitted the Selection Boards to devise the proficiency-cum-skill test and go ahead with the selection. Apart from that there are neither any allegations that

the Selection Boards discriminated while applying the evaluation criteria nor any allegations of mala fide. The three parameters were applied across the Board for all candidates.

108. The second judgment is the judgment rendered in ***Ramjit Singh Kardam (supra)***. The said judgment primarily was on the issue whether the Chairman on his own could have changed the criteria to hold only interview and give up the criteria recommended by the Commission to hold written examination and then viva-voce test. The observations of the change in the criteria and the candidates being made aware of on the date of result has to be understood in the facts of that case. The relevant paragraphs being Paragraph Nos. 62, 63, 63.1, 63.2 and 63.3 are quoted hereinunder:

“62. We having held that change in criteria of selection was never notified by the Commission and about the change in process of selection, candidates were kept in total dark and for the first time the criteria applied in selection process was published along with result dated 10-4-2008, the writ petitioners cannot be estopped in challenging the arbitrary criteria so applied. The submission of Shri Sibal cannot be accepted. The petitioners have never questioned the criteria which was published on 28-12-2006 i.e. written test of 200 marks and viva voce of 25 marks, merely because they participated in the process of selection after the change of criteria, their right to challenge the arbitrary change cannot be lost. Estopping the petitioners from challenging the change of criteria will be giving seal to arbitrary changes affected by the Chairman as noted above.

63. *In view of the foregoing discussions, we answer Points 3, 4 and 5 in the following manner:*

63.1. Ans. 3 : *The decisions dated 30-6-2008, 11-7-2008 and 31-7-2008 were arbitrary decisions without any reason to change the selection criterion published on 28-12-2006 which have effect of downgrading the merit in the selection.*

63.2. Ans. 4 : *The Commission being a multi-member body, all decisions pertaining to mode of selection and criteria was to be taken by the Commission itself, there being no rules or resolution delegating the said power to the Chairman or any other member. The decision of not holding written examination dated 30-6-2008, decision to screen on the basis of eight times of vacancies and percentage of marks dated 11-7-2008 and decision dated 31-7-2008 to call all eligible candidates, were all decisions taken by the Chairman himself, which decisions cannot be said to be decisions of the Commission.*

63.3. Ans. 5 : *The decision dated 3-8-2008 was never taken on 3-8-2008 as claimed and the said resolution was prepared subsequent to declaration of the result when the learned Single Judge asked for criteria of the selection, which was produced in a separate loose sheet signed by all members."*

In the opinion of this Court, the said judgment would not apply to the facts of the instant case inasmuch as the selection was carried out on the basis of the criteria mentioned in Rule 19(ii) of the Rules of 2023 and apart from that, Rule 19(ii) categorically mandated selection through a viva-voce test, unlike the proceedings before the Supreme Court in the case of **Ramjit Singh Kardam (supra)** where the selection was carried out giving a

clear go-by to the recommendations of the Commission to conduct a written test along with a viva-voce test. The Chairman in that case before the Supreme Court, on his own decided to hold the interview and go ahead with the selection.

109. Let this Court now take into consideration the submission of the learned Senior Counsel for the Petitioners that the Selection proceedings were opaque and not transparent. The said submission is based upon non-retention of records of the applications/appeals/petitions as well as the copies of the judgments' which were called from the candidates and as such, it violates the mandate of Rule 19(iv) of the Rules of 2023 which imposes an obligation upon the Selection Board to maintain the records. In addition to that, the learned Senior Counsel for the Petitioners submitted that they had no knowledge of what marks the candidates obtained till the disclosure made in the rejoinder affidavit dated 18.06.2026.

110. The allegation of non-transparency and opacity of the selection proceedings on the ground that the candidates were unaware of the marks obtained in the viva voce test appears to be unfounded and baseless inasmuch as the records maintained reflects the assessment in respect to all candidates. Further to

that, all the candidates could have sought for information as to what marks were obtained under the provisions of the Right to Information Act, 2005, if they desired so. It may not be out of place at this stage to take note of a submission made by the learned Senior Counsel during the course of the hearing that a member of Gauhati High Court Association participated in the viva voce test and certain police verification were carried out but the member's name was not included in the impugned Select List. Though, such submission was made without any pleadings, this Court in the presence of the learned Senior Counsel for the Petitioners inspected the records and it was found that the said member did obtain the requisite marks to be selected.

111. Let this Court now take into analyze the submission of non retention of the appeals/applications/petitions as well as the judgments so produced by the candidates in the records of the Selection proceedings. A perusal of the Minutes of the Meeting dated 13/8/2024 would show that the said applications/appeals/petitions filed in criminal proceedings as well as the judgments in criminal proceedings were called for only for evaluation purposes.

112. The learned Advocate General during the course of his

arguments explained the reason for non retention of the applications/appeals/petitions as well as the judgments. The learned Advocate General submitted that one has to take into account the task which the Selection Boards were required to carry out. The Selection Boards were required to carry out a massive exercise of selecting 299 candidates for the three different posts amongst 4,659 candidates who were to be issued call letters. The Selection Boards could only conduct the evaluation by viva-voce test. Under such circumstances, the applications/appeals/petitions as well as judgments were sought from the candidates so that the questions put to the candidates in the viva voce test were on the basis of the work done by the candidates. The learned Advocate General also submitted that if the applications/appeals/petitions were not called for then there would have been a requirement for the Selection Boards to ask the candidates to draft the appeals / applications / petitions in front of the Selection Boards which would not only be time consuming but also contrary to the stipulations in Rule 19(ii) of the Rules of 2023 which mandates only viva voce test. The learned Advocate General also submitted that the Selection Boards therefore thought it prudent to put questions upon the candidates on the basis of the work done by the Petitioners and ascertain as to whether the candidates actually drafted the

applications/petitions/appeals or made submissions which was reflected in judgments produced.

113. This Court finds merit in the submission made by the learned Advocate General on the aspect of non-retention of the appeals/applications/petitions as well as the judgments produced by the candidates. It is relevant herein to observe that Rule 15 of the Rules of 2023 clearly mandates that the Selection Boards shall be headed by a retired High Court Judge. In other words, the Selection Boards would be headed by persons who have knowledge about the criminal proceedings. The truth that applications/appeals/petitions drafted by the candidates can be analyzed and determined, if questions are put to the candidates and the respective pros and cons of the approach of the candidates can be ascertained. For that purpose, if questions are put on the applications/petitions/appeals submitted by the respective candidates, the criteria as set out in Clause 19(ii) of the Rules of 2023 can be assessed and evaluated.

Insofar as, the judgments are concerned, it is of relevance to observe that the said judgments are not to be evaluated as such evaluation would amount to assessing the proficiency and skill of the Judge who delivered the judgment. However, what was

required to be assessed was whether the approach of the candidate which lead to the passing of the said judgment was proper or not.

In the opinion of this Court, the aspect can be looked from another angle. For example, in a case where written examination are to be held and question papers are required to be prepared. The question paper as well as the answer scripts can be retained as part of the record. However, the books, journals, documents etc. on the basis of which the question papers were prepared have no relevance to the selection proceedings for retaining the same as records. In the instant case, the petitions/applications/appeals filed in criminal proceedings and judgments in criminal proceedings were only for the purpose of formulating the questions to be put to the candidates in the viva voce test and the answers given by the candidates are also oral answers. Therefore, the question of retention of the applications/appeals/petitions filed in criminal proceedings as well as judgments in criminal proceedings does not arise.

Consequently, this Court is, therefore, of the opinion that for non retention of the appeals/applications/petitions filed in criminal proceedings as well as the judgments in criminal proceedings

would not vitiate the selection proceedings.

114. This Court now finds it very relevant to take note of the judgment of the Supreme Court in the case of ***Sadananda Halo (supra)*** wherein the Supreme Court observed the role of the Court while dealing with the challenge to a selection process. The Supreme Court categorically observed that on the basis of writ petitions being filed and making vague allegations, it is impermissible for the Court to make a roving inquiry on the factual aspects. The Supreme Court further observed that while testing the fairness of the selection process where thousands of candidates are involved, the Court should be slow in relying upon such microscopic findings. Paragraph No. 58 of the said judgment being relevant is reproduced herein under:

“58. It is settled law that in such writ petitions a roving inquiry on the factual aspect is not permissible. The High Court not only engaged itself into a non-permitted fact-finding exercise but also went on to rely on the findings of the amicus curiae, or as the case may be, the scrutiny team, which in our opinion was inappropriate. While testing the fairness of the selection process wherein thousands of candidates were involved, the High Court should have been slow in relying upon such microscopic findings. It was not for the High Court to place itself into a position of a fact-finding commission, that too, more particularly at the instance of those petitioners who were unsuccessful candidates. The High Court should, therefore, have restricted itself to the pleadings in the writ petition and the say of the respondents. Unfortunately, the High Court took it upon itself the task of substituting itself for the Selection Committee and also in the process

assumed the role of an appellate tribunal which was, in our opinion, not proper. Thus, the High Court converted this writ petition into a public interest litigation without any justification.”

115. In the case of ***Tajvir Singh Sodhi (supra)***, the Supreme Court detailed out as to when interference is called for by the Courts in respect to selection process for public employment. Paragraph Nos. 31, 36, and 37 of the said judgment being relevant, are reproduced herein under:

“31. Before proceeding further, it is necessary to preface our judgment with the view that courts in India generally avoid interfering in the selection process of public employment, recognising the importance of maintaining the autonomy and integrity of the selection process. The courts recognise that the process of selection involves a high degree of expertise and discretion and that it is not appropriate for courts to substitute their judgment for that of a Selection Committee. It would be indeed, treading on thin ice for us if we were to venture into reviewing the decision of experts who form a part of a Selection Board. The law on the scope and extent of judicial review of a selection process and results thereof, may be understood on consideration of the following case law.

36. Thus, the inexorable conclusion that can be drawn is that it is not within the domain of the courts, exercising the power of judicial review, to enter into the merits of a selection process, a task which is the prerogative of and is within the expert domain of a Selection Committee, subject of course to a caveat that if there are proven allegations of malfeasance or violations of statutory rules, only in such cases of inherent arbitrariness, can the courts intervene.

37. Thus, courts while exercising the power of judicial review cannot step into the shoes of the Selection Committee or assume an appellate role to examine

whether the marks awarded by the Selection Committee in the viva voce are excessive and not corresponding to their performance in such test. The assessment and evaluation of the performance of candidates appearing before the Selection Committee/Interview Board should be best left to the members of the committee. In light of the position that a Court cannot sit in appeal against the decision taken pursuant to a reasonably sound selection process, the following grounds raised by the writ petitioners, which are based on an attack of subjective criteria employed by the Selection Board/interview panel in assessing the suitability of candidates, namely, (i) that the candidates who had done their postgraduation had been awarded 10 marks and in the viva voce, such PG candidates had been granted either 18 marks or 20 marks out of 20; (ii) that although the writ petitioners had performed exceptionally well in the interview, the authorities had acted in an arbitrary manner while carrying out the selection process, would not hold any water.”

116. In the light of the aforementioned judgments and the analysis made hereinabove, it is the opinion of this Court that the selection carried out cannot be said to be illegal or in violation to Article 14 and Article 16 of the Constitution.

117. Before concluding on the present point for determination, this Court also finds it relevant to take note of the contention of the learned Senior Counsel for the Petitioners as regards Clause 8(iv) of the Advertisement read along with paragraph Nos. 22 and 23 of the writ petition to the effect that certain candidates have been selected though they were not eligible. The said submission in the opinion of this Court is misconceived inasmuch as Clause 8(iv) of

the Advertisement only refers to submission of a self-declaration that after enrollment, the candidate had not left practice as Advocate and not joined any other service/profession/business. The said document does not touch on the qualification or eligibility of the candidate. Under such circumstances, the same would not vitiate the selection proceedings. Be that as it may, if a contrary fact is proved to what is stated in the self-declaration, it may be a case for rejection of the candidature, or even termination from service.

118. Apart from that, it is also of relevance to observe that there are no allegations in the writ petition to show that the candidates whose names are mentioned in paragraph Nos. 22 and 23 of the writ petition have submitted a false declaration.

119. The second point for determination accordingly stands decided with the observation that the allegation in the writ petition that the selection proceedings stands vitiated on account of illegalities or infraction to Article 14 and Article 16 of the Constitution are meritless and calls for no interference.

CONCLUSIONS

120. This Court, therefore, finds no merit in the instant writ

petition, for which, the same stands dismissed.

121. There shall be no order as to costs.

JUDGE

Comparing Assistant