

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

Oral

14.02.2022

Heard Mr. F. Khan, learned counsel for the petitioners. Also heard Ms. M. Bhattacharjee, learned Additional Senior Government Advocate, Assam, appearing for the respondent Nos.1, 2, 3, 7 & 8 as well as Mr. T.J. Mahanta, learned senior standing counsel, APSC, appearing for the respondent Nos.4, 5 & 6.

This writ petition has been filed by the petitioners, who are the candidates for the Combined Competitive (Main) Examination, 2020, which is for filling up the posts of Civil Services in the State of Assam. The challenge was not only to the pattern of question papers, etc., but also for the dates which have been set up, particularly, 27.02.2022, which according to some of the petitioners (petitioner No.2), clash with the date fixed by the Union Public Service Commission (UPSC) for holding the Indian Forest Service (IFS) examination.

In our order dated 11.02.2022, having heard the petitioners, we had come to a conclusion that most of the prayers made by the petitioners cannot be examined by this Court at this stage. We had though made an exception to one prayer, which is holding the examination on 27.02.2022 inasmuch as it also clashed with the date set up by the UPSC for holding the IFS examination. To that extent, we had directed the counsel for the APSC to examine the matter. Order passed by us on 11.02.2022 read as under:-

“The matter is taken up through video conferencing.

Heard Mr. F. Khan, learned counsel for the petitioners. Also heard Ms. M. Bhattacharjee, learned Additional Senior Government Advocate, Assam, appearing for the respondent Nos.1, 2, 3, 7 & 8 as well as Mr. T.J. Mahanta, learned senior standing counsel, APSC, appearing for the respondent Nos.4, 5 & 6.

In this writ petition, the petitioners who are candidates for the Combined Competitive (Main) Examination, 2020, have challenged the time table set out by the Assam Public Service Commission (APSC) as well as the pattern of question papers proposed by the APSC for the said examination amongst other points raised before us. At this stage, when the examination is to be conducted with effect from 21.02.2022, we do not propose to interfere in the matter.

There is, however, one aspect on which we would like Mr. T.J. Mahanta, learned senior counsel for the APSC to get instructions, which is that out of the eleven petitioners before us, one petitioner is also appearing in the main examination of Indian Forest Service, which is scheduled for 27.02.2022, on which date examination of the State Civil Services are also to be held. Hence, there is a clash of dates. On this limited aspect, Mr. T.J. Mahanta, learned senior counsel for the APSC shall get instructions as to whether there can be a change of dates.

List again on 14th February, 2022 along with WP(C) No.5169/2020; WP(C) No.5248/2020; WP(C) No.28/2021 and PIL No.83/2021.”

Today, Mr. T.J. Mahanta, learned senior standing counsel, APSC has informed this Court that he had consultation with the concerned authorities of APSC and they have expressed their inability to postpone the date. This has been given to him in a letter of the Secretary, APSC dated 14.02.2022. The letter reads as follows:-

“Sir,

In inviting a reference to the subject cited above, I am directed by the Commission to furnish the following information for favour of your kind perusal and to apprise the Hon’ble Gauhati High Court on reschedulement/postponement of the examination scheduled to be held on 27/02/2022:

- 1. Total numbers of eligible candidates for the Combined Competitive Examination (Main), 2020 is 3897.*
- 2. APSC received requests from only 5(five) candidates appearing in both the CCME and Indian Forest Service Examination (IFoS) scheduled to*

be held on 27/02/2022.

3. *The Commission considered the probable difficulties of those candidates again and regrets its inability to consider such request due to various practical difficulties as mentioned below:*
 - a. *On 27/2/2022, examination is scheduled for Optional Papers (Paper-I & Paper-II) wherein examination for total 29 subjects will be held.*
 - b. *Total 17(seventeen) venues have been selected for 27/2/2022 for 3897 candidates by taking necessary permission from the concerned educational institutions. (Venue lists are annexed as Annexure-I)*
 - c. *APSC will not get required venue after 27/2/2022 i.e. on weekdays as Government of Assam has already decided to start the regular classes w.e.f. 15/2/2022.*
 - d. *Two major venues of the CCME, 2020 i.e. Gauhati University and Cotton university which have arrangement of accommodating total 1000 candidates each have specifically informed the APSC that they will not be able to provide their institutions beyond 27th February, 2022 for holding the CCE (Main), 2022.*
 - e. *The next Sunday i.e. 6.3.2022 is scheduled for Municipal elections throughout the State of Assam.*
 - f. *Two major examinations of the State i.e. High School Leaving Certificate, 2022 and Higher Secondary, 2022 will be held from 15th March, 2022 onwards.*
 - g. *Most importantly Answer-cum-Question booklets for the CCME, 2020 have already been received from the printing press as per venue and candidate wise lists in sealed packed condition and any change of venue and resorting to the questions papers would be detrimental to the secrecy and confidentiality of the examination system.*
 - h. *It is also brought to your kind notice that all arrangements for venues have been finalized and e-admission certificates have already been issued to the candidates for downloading w.e.f. 7.2.2022.*
 - i. *It is stated that many candidates from outside Guwahati are attending the examination by staying at Guwahati and therefore it may be difficult for them to stay here for a longer period in the event of reschedulement/postponement of the examination on 27.2.2022.*
 - j. *Further deferring the examination would not be in the interest of the large number of candidates appearing in the examination in*

compared to 5(five) candidates.

4. It is brought to your kind notice that several e-mails have been received by the Commission from the candidates requesting the Commission not to postpone the CCE (Main), 2020. (Copy enclosed and Annexure-II). Further, candidates who are working under various organizations have already taken leave as per the schedule of the examination.
5. It is pointed out that venue-wise answer booklets with question papers printed therein have already been received by the Commission for maintaining high security and confidentiality and thus re-scheduling/adjustment of the examination on 27.2.2022 will compel the Commission to arrange for other venues as the concerned two universities have expressed their inability to share their institutions beyond 27.2.2022. In that event, the Commission has to return the packets again to the printer for re-packaging causing not only unnecessary transportation costs but also exposing the questions-cum-answer booklets to the risk of breach of confidentiality.
6. The Commission, however, in pursuance of the order dated 11/2/2022, examined the matter afresh and examined/checked the optional papers of the candidates i.e. the Petitioner No.2 (Piyush Gorodia) and other 4 candidates appearing in IFoS Examination who have made requests for re-scheduling due to the apparent clash with the IFoS examination and found as under

Sl	Name	CCE Roll No	Optional	Number of candidates in the optional subjects for CCE (Main)
1	Murchana Saharia	3113925	Political Science and International Relations	890
2	Anjan Jyoti Doley	0400088	History	788
3	Jyoti Rani Nath	3109885	History	788
4	Pijush Garodia	2202227	Mathematics	53
5	Trinayan Das	3123230	Civil Engineering	49

The Commission for conveniences and facilitating better management

and also considering the larger number of the candidates, as stated above, arranged bigger venues at Guwahati University and Cotton University for the optional subjects like Political Science & International Relations and History respectively. Therefore, it will not be feasible on the part of the Commission to arrange such bigger venues to accommodate the candidates for the said optional papers in the event of reschedulement/postponement of the examination to another date in the immediate future.

In view of facts stated above, APSC may be allowed to hold the CCE (Main), 2020 as per schedule i.e. 21st, 22nd, 23rd and 27th February, 2022.

Yours faithfully

*Secretary
Assam Public Service Commission
Khanapara, Guwahati – 22”*

Having examined the matter in some detail, we are of the considered view that the practical difficulties stated by the APSC seem to be bonafide. There are only five candidates in Assam including the petitioners whose dates clash with IFS examination to be held on 27.02.2022. They definitely will have to make a choice whether to appear in the examination conducted by the APSC or the IFS examination conducted by the UPSC. On balance, however, we find that there are good grounds not to pass any direction to the APSC for change of dates, as the logistical, financial and other difficulties which will be faced by APSC in the event we change the date of examination from 27.02.2022 to any other date, far outweigh the difficulties of these five candidates. The rest of the prayers, in any case, are not of a nature on which an interference is being called, i.e. the manner of setting questions, etc.

Therefore, the writ petition has no merit and is hereby dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant