

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

ITANAGAR PERMANENT BENCH

WP(C) NO. 194 (AP) OF 2012

PETITIONERS:

1. Shri Milai Wangsu (Ex-Serviceman),
APP. No. 101888,
S/O Late Monai Wangchu, Vill- Longkhao,
P.O. Longding, District-Tirap, Arunachal Pradesh.
2. Hongliam Lowang,
S/O Late Tunwang Lowang,
APP. No. 102723, P.O. Kapu,
P.S. Khonsa, District-Tirap, Arunachal Pradesh.
3. Langwang Lowang,
S/O Late Goge Lowang,
APP. No. 102135 + 102722,
Vill-Moktowa, P.O. Dadam,
P.S. Khonsa, District-Tirap, Arunachal Pradesh.
4. Kamphua Aqi,
S/O Late Lamgi Aqi,
APP. No. 100048,
Vill- Bera, P.O. Kapu,
P.S. Khonsa, District-Tirap, Arunachal Pradesh.
5. Wangnga Lowang,
S/O Late Wangjing Lowang,
APP. No. 102135,
Vill-Moktowa, P.O. Dadam,
P.S. Khonsa, District-Tirap, Arunachal Pradesh.

6. Jatou Chama,
S/O Late Pangshom Chama,
APP. No. 102863,
Vill-Ogakha, P.O. Longding,
District-Tirap, Arunachal Pradesh.
7. Hangjon Bangsia,
S/O Late Matrang Bangsia,
APP. No. 101190,
Vill-Lamsa, P.O. Khela,
P.S. Khonsa, District-Tirap, Arunachal Pradesh.
8. Nokgo Cocia,
S/O Late Lomhang Socia,
APP. No. 101190,
Vill-Lamsa, P.O. Khela,
P.S. Khonsa, District-Tirap, Arunachal Pradesh.
9. Gango Pansa,
S/O Shri Phogan Pansa,
APP. No. 107405,
Vill-Vofnu, P.O. Pongchau,
District-Tirap, Arunachal Pradesh.
10. Tailai Wangpan,
S/O Late Taling Wangpan,
APP. No. 101278,
Vill-Longkha-w, P.O. Longding,
District-Tirap, Arunachal Pradesh.
11. Takhu Wangsu,
S/O Achual Wangsu,
APP. No. 107467,
Vill-Chatting, P.O. Longding,
District-Tirap, Arunachal Pradesh.
12. Demhu Wangpan,
S/O Late Chikfe Wangpan,
APP. No. 108105,
Vill-Chatting, P.O. Longding,
District-Tirap, Arunachal Pradesh.
13. Chongpai Pansa,
S/O Late Tongbai Pansa,
Vill-Wakha, District-Tirap, Arunachal Pradesh.

14. Pankha Pansa,
S/O Monpong Pansa,
Vill-Jagon, P.O. Pongchau,
District-Tirap, Arunachal Pradesh.
15. Yasam Tingkhaham,
S/O Late Ranren Tingkhaham,
APP. No. 106722,
Vill-Wanu, P.O. Longding,
District-Tirap, Arunachal Pradesh.
16. Changang Gangsa,
S/O Late Nejam Yangsa,
APP. No. 108025,
Vill-Wakha, P.O. Wakha,
District-Tirap, Arunachal Pradesh.
17. Jangam Wangsu,
S/O Wangtai Wangsu,
APP. No. 107466,
Vill-Chatting, P.O. Longding,
District-Tirap, Arunachal Pradesh.
18. Shri Hatwang Sumnyan,
S/O Wangchol Sumnyan,
APP. No. 102724,
Vill-Kapu, P.O. Khonsa,
District-Tirap, Arunachal Pradesh.
19. Shri Tenga Wangsa,
S/O Late Gulany Wangsa,
Vill-Jhinsa, P.O. Khonsa,
District-Tirap, Arunachal Pradesh.

By Advocates :

Mr. BL Singh,
Mr. Marto Kato,
Mr. Gedo Kato.

RESPONDENTS :

1. The State of Arunachal Pradesh,
To be represented by the Secretary to the
Government of Arunachal Pradesh,
Home Department, Itanagar.

2. The Director General of Police,
Government of Arunachal Pradesh, Itanagar.
3. The Superintendent of Police,
Tirap District, Khonsa, Arunachal Pradesh.
4. The Dy. Superintendent of Police,
Tirap District, Khonsa, Arunachal Pradesh.

By Advocate:

Mr. Kardak Ete, Additional Advocate General, A.P.
Ms. Gita Deka, Additional Senior Government Advocate, A.P.

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

Date of judgment and order : 27th of March, 2017.

JUDGMENT AND ORDER

Heard Mr. BL Singh, learned counsel, appearing for the petitioners. Also heard Mr. Kardak Ete, learned Additional Advocate General, assisted by Ms. Gita Deka, learned Additional Senior Government Advocate.

2] The petitioners herein belong to Arunachal Pradesh Scheduled Tribe (APST) Community, who are Ex-servicemen and permanent resident of Tirap District of Arunachal Pradesh.

3] The Director General of Police, Itanagar, Arunachal Pradesh, vide No. PHQ/PER-29/2011 dated 16-12-2011, issued an Advertisement inviting applications from general candidates, who are citizens of India and

also the APST candidates, domiciled in Tirap and Changlang districts, who are *bona fide* citizens of India, for recruitment of Constables in Civil Police of Arunachal Pradesh Police, in the Pay Band (PB-1) of Rs. 5200/- – 20200/- plus Grade Pay of Rs. 2000/- per month, under Special Recruitment Drive for Tirap and Changlang districts.

4] Out of 679 posts of Constables in Civil Police of Tirap district, altogether 60 posts were kept reserved for Ex-servicemen. In the said advertisement it was specified that *'in case no sufficient eligible candidates are found in the district during the recruitment and the post distributed in the district are not filled up, the vacant posts will be filled up from the penal of waitlisted candidate, centrally compiled in Police Head Quarter based on the overall merit of the APST candidates from both the districts.'*

5] The said advertisement also provided that the number of posts advertised may increase or decrease. The upper age limit for APST & ST/SC candidates were given upto maximum 5 years, whereas age concession in respect of Ex-servicemen was in accordance with the orders issued by the Government from time to time after deducting military service from their actual age, where the resultant age should not exceed the prescribed age limit by more than 3 years as on 01-01-2011. Khonsa was declared as the centre for recruitment of all APST candidates including APST Ex-servicemen from Tirap District. The required minimum qualification for the advertised post of Constable in Civil Police for the APST candidates and APST Ex-

servicemen was Class-VIII pass, whereas for general candidates, it was Class-X passed from recognised Government Institution/Board. Amongst others, the application forms for the said advertised post was to be accompanied by duly attested copies of certificates of educational qualification, proof of age as per School Certificate/Admit Card/Birth Registration Certificate, Caste/Tribe Certificate, Permanent Resident Certificate (PRC) of the district, three recent passport photographs with self signature on them and discharge certificate in case of Ex-serviceman.

6] The selection procedure as per the said advertisement was of three folds (i) Physical/Endurance Efficiency Test, (ii) Written Examination and (iii) Interview. The Final Merit List of selected candidates was to be made on the basis of overall marks secured in the written test and the interview put together and the selected candidates had to undergo Medical Examination. It was clarified that the provisionally selected candidates were to clear the Medical Examination to be conducted by the Medical Board.

7] The said advertisement specified that Ex-servicemen (APST candidates only), who have completed their service tenure in Army/Assam Rifles/ITBP/BSF/CRPF with satisfactory record of service and those who have retired voluntarily from service with full benefits, will be eligible to apply for the advertised posts and the Ex-servicemen candidates were exempted from qualifying the Physical Endurance/Efficiency Test, the first of the three tests of the said recruitment process. But, the other conditions and

criteria like physical measurement, educational qualification, written test and *viva voce* etc. were same as that of the APST or other candidates.

8] The petitioners being Ex-servicemen from Tirap district submitted their application in terms of the advertisement dated 16-12-2011 and upon receipt of call letters, they appeared in the written examination for the post of Constable in Arunachal Pradesh Civil Police, held on 08-04-2012 in the Government Higher Secondary School, Khonsa, which was their notified centre.

9] Altogether thirty such Ex-servicemen from Tirap District qualified in the said written test held on 08-04-2012 as per the result sheet of Ex-servicemen category of Tirap District that was notified by the authority concerned. In said result sheet of written test qualified Ex-servicemen candidates, they were informed that *viva voce* shall be held on 26-04-2012 and on the day of *viva-voce* they had to bring proof of their educational qualification along with all other documents, in original, with one photocopy duly attested by Gazetted Officer, otherwise their candidature would stand cancelled.

10] It is stated that when the petitioners appeared in the *viva voce* test on 26-04-2012, the Deputy Superintendent of Police, Khonsa accordingly demanded Class-VIII passed certificate from those 30 Ex-serviceman candidates, including the petitioners and out of them, only 2 such written test qualified Ex-servicemen candidates could produce the same

and the rest 28 Ex-servicemen could not produce their Class-VIII passed certificate, for which they were not allowed to appear in the *viva voce*. Being aggrieved with said action of the respondents, petitioners have preferred this writ petition for necessary direction.

11] The petitioner contended that they duly filled up their application forms in terms of the advertisement dated 16-12-2011 along with copies of discharge certificate and photographs within the specified dates before the Superintendent of Police, Tirap, Khonsa and after their applications, along with the documents, were duly scrutinized with original documents produced by the candidates at Khonsa Recruitment Centre, including the requisite educational qualification of Class-VIII passed, by each of such candidates before the Selection Board, irrespective of difference in Army educational qualification and as they found petitioners' documents to be correct and proper, found them fit in their physical measurement, the concerned authority issued call letters to them to appear in the written test held on 08-04-2012 and on being qualified in the said written examination, they were asked to appear in *viva voce* scheduled on 26-04-2012 and therefore, asking for Class-VIII passed certificate at the time of their *viva voce* was arbitrary and illegal. It is stated that because of such action of the concerned Selection Board, the President of Ex-servicemen of Tirap district submitted a representation on 30-04-2012 for redressal of their grievances and to postpone the result of the recruitment till the demand for redressal is settled. As in the meanwhile, the result of the interview was declared for all

the categories and in the merit list against Ex-servicemen quota of Tirap district, out of 60 reserved posts, only 2 Ex-servicemen were selected, who produced their Class-VIII passed certificate, the rest of the posts were earmarked as non Ex-serviceman category, which according to the petitioners is an extraneous consideration and in clear violation of Rule 4(3) of the Ex-servicemen (Re-employment in Central Civil Services and Posts) Rules, 1979, which reads as follows:

"Rule 4(3) – No vacancy reserved for Ex-Servicemen in a post to be filled otherwise than on the results of an open competitive examination shall be filled by the appointing authority by any general candidate until and unless the said authority:

- (i) Has obtained non-availability certificate from the employment Exchange (where a requisition is placed on an employment exchange);*
- (ii) Has verified the non-availability of a suitable candidate by reference to the Director General Resettlement and recorded a certificate to that effect; and*
- (iii) Has obtained approval of the Central Government."*

12] It is submitted that, though Column 10 of the Schedule attached to the Constable of Police (Group 'D' Posts) Recruitment Rules, 1987, prescribes the method of recruitment for Ex-servicemen, which was amended by a subsequent Notification dated 26-09-1988, wherein it was laid down that in case of non-availability of suitable Ex-serviceman candidates, the said reserved posts shall be treated as unreserved and the same shall be filled up by the indigenous general Arunachal Tribal

Candidates, but according to the petitioners, that does not mean to earmark the selected candidates by the selection board against the reserved quota since the said 1987 Recruitment Rules, amended in 1988, also provides for relaxation, under Rule -6.

13] It is contended on behalf of the petitioners that the entire action of the Selection Board in non-allowing the written test qualified Ex-serviceman candidates to appear in the *viva voce* test, who could not produce the Class-VIII passed educational certificate at the final stage of selection, in spite of call letters being issued to them after proper verification and scrutiny of their application forms is arbitrary and illegal in view of the Rule 6(5) of said Ex-servicemen (Re-employment in Central Civil Services and Posts) Rule, 1979, which reads as follows:

"For appointment to any reserved vacancy in Group 'C' and Group 'D' posts, where the prescribed minimum educational qualification is matriculation, the appointing authority may at his discretion, relax the minimum educational qualification in favour of all ex-servicemen who had passed the Indian Army Class-I examination or equivalent examination in the Navy or the Air Force and who has put at least 15 years service in the Armed Force of the Unions and is otherwise considered fit to hold the post, in view of his experience and other qualification."

14] It is also contended by the petitioners that when the 1987 Recruitment Rules, amended in 1988, provides for relaxation clause, the authority concerned can relax the minimum educational qualification in favour of Ex-servicemen, who had passed the Army Education Class-I

Examination or equivalent examination in Army, Navy or Air force The petitioners further contended that Ex-servicemen have already put in at least 15 years of service in the Armed Force of the Union where minimum educational qualification for Group-D posts is Class-VIII passed and where all the petitioners have passed Class-II Indian Army Exam, they should have been treated as Class-VIII passed, relaxing the minimum educational qualification as provided in the said Rules, which the respondents arbitrarily did not exercise. As such, the petitioners, being aggrieved, filed this writ petition praying for re-conduct of *viva voce* in terms of said advertisement dated 16-12-2011 in favour of the petitioners and to declare the results, with an interim prayer to direct the respondents not to fill up at least 19 posts from Ex-servicemen reserved quota as advertised on 16-1-2011.

15] While issuing notice to the respondents, the Court on 27-07-2012 directed the respondents herein not to fill up 19 posts of Constables in Arunachal Police for Tirap and Changlang districts.

16] The respondents filed their affidavit and also additional affidavit in the matter and admitted the fact that the said advertisement dated 16-12-2011 was a special recruitment drive for the candidates of Tirap and Changlang districts, where male and female of both general and APST candidates were recruited and along with them, Ex-servicemen were also considered for selection in the post of Constable in Civil Police of Arunachal Pradesh Police in those two districts. The State respondents submitted that

as per the advertisement dated 16-12-2011, the educational qualification in respect of Ex-servicemen was Class-VIII passed and the total number of applications in the Ex-servicemen was only 43 for Tirap district, which was less than the number of 60 posts reserved for Ex-servicemen and out of 43 numbers of applicants under Ex-servicemen category, only 30 were found eligible as per the age criteria and as the most of the 30 candidates, under the Ex-servicemen category, did not submit their educational qualification certificate, the Selection Board felt that probably due to oversight and/or mistake, the said candidates might have forgotten to append the certificates and considering the fact that they should not be deprived of the chance of appearing in the test, they were asked to appear in the written test held on 08-04-2012 in the specified centre at Khonsa exempting them from producing their Class-VIII passed certificate during their appearance in the physical measurement test as well as in the written test and therefore, they were directed to submit their educational qualification certificate during the *viva voce*. It is submitted that most of the Ex-servicemen candidates did not produce their educational qualification certificates and documents at the time of physical test and requested the Board to grant one more chance to produce their educational qualification certificates and since they assured to produce the same at the time of *viva voce*, if selected, therefore, the authority concerned issued the Admit Cards and Call Letters to the petitioners for their written examination. It is also stated that the requirement of the written test was 40% aggregate and 33% minimum in

each subject individually. But as not even a single Ex-serviceman qualified in their written test therefore, in the declared first list of qualified candidates in the written examination, there were no Ex-servicemen in the list. But as the number of candidates, who had qualified for the *viva voce* was less than the number of the vacancies, so it was decided by the Government to relax the criteria for the written test and accordingly, decided to call the candidates numbering at least 1.5 times, the number of vacancies in each category in order of aggregate marks irrespective of the marks scored individually and therefore, in the second list that was declared by the Selection Board, all the 30 Ex-servicemen candidates of Tirap District were called for *viva voce* irrespective of their marks in the written test and as a final reminder and chance, in the second result sheet as well as in the day-wise list of *viva voce* of the candidates, all such Ex-serviceman candidates were specifically directed to bring their educational qualification documents otherwise their candidature would stand cancelled. In spite of that during such *viva voce*, only 2 Ex-servicemen, out of 30 Ex-servicemen could place the necessary educational qualification document and therefore those two Ex-servicemen candidates were allowed to appear in the *viva voce* and remaining 28 including the petitioners were disallowed by following the procedure of the 1987 Recruitment Rules. The respondents also stated that as the two Ex-servicemen candidates, who submitted their educational qualification certificates, were found qualified; the remaining vacancies of Ex-servicemen were filled up by the APST candidates as per the 1987 Recruitment Rules in

force. The respondents submitted that till the last moment, the petitioners were given opportunity to submit their required educational certificates, which they could not produce and as such they had to be disqualified. The respondents also submitted that the advertisement clearly specified that the APST Ex-servicemen candidates must be of Class-VIII passed from any recognized Government Institution/Board as per the 1987 Recruitment Rules in force and not of any standard that may have been deemed equivalent by any other Government agencies and therefore, the petitioners' claim to be considered as Class-VIII passed, cannot be accepted.

17] The State respondents in terms of the Courts order 07-08-2013 also submitted an additional affidavit to bring on record about the Standing Orders relating to the special recruitment drive for Constable and also the Recruitment Rules for the post of Constable in the State. The State respondents submitted that with an object of smooth and transparent recruitment process, biometric authentication, height measurement, CC TV coverage, OMR pattern of written examination were used in the selection process in terms of the advertisement dated 16-11-2012 and submitted that the standing orders of the Department was only a supplement of the Recruitment Rules of Constable, which does not substitute the said 1987 statutory Recruitment Rules. It is also submitted that the guidelines of standing order No. 30/2008 dated 15-02-2012 did not provide any relaxation in the educational qualification in the category of Ex-servicemen candidates and since prior to the interview and issuance of call letters, the

standing order dated 15-02-2012 was in force, the same was made applicable in the case. As per the standing order No. 30, dated 07-03-2008, the educational qualification for the post of Constable for APST candidates was Class-VIII passed and the said Standing Order No. 07-03-2008 did not provide any relaxation in the eligibility criteria for the Ex-servicemen with regard to their educational qualification, wherein, it was also clarified that in case of non-availability of Ex-serviceman candidates, the said reserved post of Ex-servicemen shall be treated as unreserved that may be filled up by the APST candidates. It is stated that as per the Standing Order No. 30 (revised) dated 15-02-2012, the minimum educational qualification for APST candidates is Class-VIII passed and that with regard to the eligibility and relaxation for Ex-servicemen candidates, no concession was given in educational qualification wherein it was also clarified that in case of non-availability of Ex-servicemen, the said reserved post should be treated as unreserved and will be filled up by the APST candidates.

18] It is to be noted herein that the petitioners themselves have annexed the copy of the Constable of Police (Group-D Posts) Recruitment Rules, 1987, which is in force in the State of Arunachal Pradesh, a Rule framed under Article 309 of the Constitution of India regulating the method of recruitment to the post of Constable (Group-D Posts) in the Police Department under the Government of Arunachal Pradesh. As per said 1987 statutory Recruitment Rules for Constable of Police (Group 'D' Posts) under the Government of Arunachal Pradesh, the minimum requisite educational

qualification for direct recruitment of APST candidates is Class-VIII passed wherein the 20% of the vacancies have been kept reserved for the Ex-servicemen providing that if suitable candidate of Ex-servicemen is not available, then the said reserved post of Ex-servicemen shall be filled up by direct recruitment by following the method of 30% from Arunachal Pradesh tribal and 20% from General Category. By notification dated 26-09-1988, the Government of Arunachal Pradesh, in exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, provided that the following reservation shall be applicable with immediate effect for the Ex-servicemen in all Group-C and D posts in Arunachal Pradesh, which are to be filled up by direct recruitment and as per the same, 10% of the Group-C and 20% of Group-D posts were reserved for the Ex-servicemen wherein it was also specified that the concession for reservation of posts for Ex-servicemen will be extended to only those, who have complete their turn with satisfactory record of service with respect and dignity or those, who voluntarily retired from service with full benefits and the said reservation has been made applicable to indigenous Arunachal Pradesh tribal only who are otherwise qualified from the overall reserved quota, meant for them and in case of non-availability of Ex-servicemen, the said reserved posts shall be treated as unreserved and will be filled up by the indigenous general Arunachal Pradesh tribal candidates. The said notification dated 26-09-1988 was made applicable forthwith in all the existing recruitment service rules for Group-C and D posts in the State, which also includes the Constable of

Police (Group-D Posts) 1987. As such it is clear that for the recruitment to the post of Constable in the Arunachal Pradesh Police Department under the Government of Arunachal Pradesh, there is a Statutory Recruitment Rules, i.e. the above noted Recruitment Rules, 1987, amended in 1988, pursuant to which the minimum qualification for recruitment of Constable of Police (Group-D posts) is Class-X passed for General and Class-VIII passed for APST candidates including the APST Ex-servicemen categories.

19] Since the statutory recruitment 1987 Rules, as amended in 1988, are in force for recruitment to the posts of Constable of Police (Group-D posts) in the State, requiring Class-VIII passed APST candidates for Ex-servicemen categories, therefore, petitioners' submission regarding inclusion of the Ex-servicemen (Re-employment in Central Civil Services and Posts) Rules, 1979 cannot be made applicable for such recruitment of Constables in Civil Police of Arunachal Pradesh Police Department. Moreover, all the criteria and specifications of said Constable of Police (Group-D Posts) 1987, amended in 1988 have to be complied with as specified in the said statutory Recruitment Rule while recruiting candidates including the Ex-servicemen candidates to the post of Constables of Police (Group-D Posts) in the State of Arunachal Pradesh, otherwise, any such recruitment and appointment in violation of the same will be illegal.

20] Regarding the relaxation clause, provided in the said 1987 statutory Recruitment Rules, it is the power of the Governor of Arunachal

Pradesh, if he is in the opinion that it is necessary or expedient so to do, he may, by order, reasons to be recorded in writing and in consultation with the Arunachal Pradesh Selection Board, relax any of the provisions of those Rules with respect to any Class and category of person. As such, such relaxation can be considered by the Governor only when the same is necessary or expedient to do so, which is only on satisfaction of the concerned Government that varies from situation to situation. The Court, therefore, in exercise of its writ jurisdiction, cannot direct the Executives of the State to relax the Rules specified in the said 1987 Recruitment Rules regarding Educational Qualification of the Ex-Servicemen APST candidates as desired by the petitioners, since amongst such Ex-Servicemen candidates, only two such candidates could produce Class-VIII passed certificates and were also selected. Moreover, as provided by the 1988 amendment of the 1987 Statutory Recruitment Rules, the respondents have power to unreserve the post of Ex-Servicemen quota in case of their non-availability, which are to be filled up by the APST candidates. The said 1987 Statutory Recruitment Rules or the 1988 Amendment of the said 1987 Statutory Recruitment Rules not being challenged by the petitioners, the action of the respondents treating the Ex-Servicemen quota as unreserved due to non-availability of such Ex-Servicemen candidates, out of 60 posts earmarked for Tirap District in terms of the advertisement dated 16-11-2011 wherein in the said category, only two Ex-Servicemen got selected in the post of Constable of Police and the remaining 58 posts were accordingly treated as un-

reserved that were duly filled up by APST candidates, cannot said to be arbitrary and illegal.

21] Moreover, the call letters of the petitioners annexed to the writ petition reflect that they are Class-VIII passed and the same was only on the basis of the educational qualification stated by the applicants for the post of Constable, in terms of the advertisement dated 16-12-2011 and therefore, they should have been able to produce their Class-VIII passed educational certificates. It is clear that had they possessed the requisite qualification prescribed in the 1987 Statutory Recruitment Rules, they could have produced their Class-VIII passed educational certificates, when the respondents gave them chance to produce the same at the time of *viva voce*. Therefore, the petitioners' plea that they were suddenly asked for such educational qualification certificates on the date and at the time of *viva voce* is untenable.

22] The Court is also of the view that though the petitioners were allowed to appear in the written test even in the absence of their Class-VIII passed certificate, the respondent authority did not modify the statutory norm of recruitment as advertised, since the petitioners were directed to produce their such Class-VIII passed certificate at the time of *viva voce*, i.e. before the third mode of exam, informing them well ahead that failure to produce the same petitioners' candidature will stand cancelled. As the petitioners failed to produce their Class-VIII passed educational certificate.

the respondents did not commit any wrong by disallowing them to appear in the *viva voce*.

23] From the above it is seen that the respondents have not violated any of the provisions of the Constable of Police (Group-D Posts) Recruitment Rules, 1987, duly amended in September, 1988, while recruiting the candidates to the post of Constable in Civil Police under the Government of Arunachal Pradesh, in terms of the advertisement dated 16-12-2011 and the petitioners failed to place anything on record for the exercise of this Court's power conferred under Article 226 of the Constitution of India and therefore, this writ petition being devoid of any merit, stands dismissed.

24] The interim order passed earlier on 24-07-2012 in this writ petition stands vacated.

25] The State respondents herein are at liberty to recruit the 19 persons in the terms specified in the advertised dated 16-12-2011.

26] For the reasons above, this writ petition stands dismissed.

JUDGE

Paul