

IN THE GAUHATI HIGH COURT

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

(ITANAGAR PERMANENT BENCH: NAHARLAGUN)

WA 6(AP)/2018

Miss Tutu NasiAppellant

-versus-

ShriTanuNirin and OthersRespondents

BEFORE

**HON'BLE MR. JUSTICE MANOJIT BHUYAN
HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN**

For the Appellant	:	Mr. R. Saikia, Advocate.
For the Respondent No. 1	:	Mr. C. Modi, Advocate.
For the Respondent Nos. 2 to 5	:	Mr. S. Tapin, Sr. Govt. Advocate, Arunachal Pradesh.
Date of Hearing and Judgement	:	17.07.2018

JUDGMENT AND ORDER (ORAL)

(ManojitBhuyan, J)

Heard Mr. R. Saikia, learned counsel for the appellant as well as Mr. C. Modi, learned counsel representing the respondent no.1. Also heard Mr. S. Tapin, learned counsel representing respondent nos.2, 3, 4 and 5.

This intra-Court appeal is directed against the judgment and order dated 15.02.2018 passed in WP(C) 663(AP)/2017, whereby the result of the Selection Committee dated 12.07.2017, together with the appointment of the appellant herein as Outreach Worker were set aside. Challenge to the selection and appointment of the appellant was made primarily on the ground of lack of requisite qualification as prescribed in the Advertisement dated 31.05.2017. In the said Advertisement, apart from the minimum qualification, it was also prescribed that a candidate must have at least 3(three) years

experience and knowledge of working on Women/Child Protection issues at the community level. Pertinent to mention that neither the appellant nor the respondent no.1 herein/writ petitioner has the requisite experience and knowledge. The learned Single Judge held that having regard to the eligibility criteria prescribed in the Advertisement, it was not open to the Selection Board to change or relax the same. It was also held that rules of the games cannot be changed after the game has started, inasmuch as, any change would go to infringe the right of other citizens who would have otherwise been qualified to respond to the Advertisement sans the additional qualification. On these broad parameters the selection dated 12.07.2017 as well as the appointment herein were interfered with.

On the above aspects, we find no reason to cause interference to the judgment and order of the learned Single Judge. No selection could have been made in favour of the appellant by ignoring or over-riding the requisite qualifications. Another aspect of the matter brought to our attention is that the appellant was appointed vide order dated 14.07.2017 only for a period of one year with fixed salary. The said period of one year have apparently expired on 14.07.2018. In this view of the matter also, there is no scope to grant any relief to the appellant.

The challenge made to the locus of the private respondent no.1 herein to question the selection and appointment of the appellant herein is not gone into as the same is without any relevance, having regard to the facts above.

On the above discussions and findings, we find no merit in the appeal and the same stands accordingly dismissed, however, without any order as to cost.

JUDGE

JUDGE

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