

GAHC010090122026



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

**Case No. : WP(C)/2545/2026**

DEEPJYOTI RAY  
S/O PRABIN RAY, R/O VILL- ADLAGURI, P.O. ADLAGURI, P.S. MANIKPUR,  
DISTRICT- BONGAIGAON, ASSAM, PIN- 783392 (ROLL NO- 5105034040)

VERSUS

THE UNION OF INDIA AND 8 ORS  
REPRESENTED BY THE SECRETARY TO THE UNION OF INDIA, MINISTRY  
OF HOME AFFAIRS, NEW DELHI- 110001

2:THE STAFF SELECTION COMMISSIONER (SSC)  
REPRESENTED BY THE CHAIRMAN/ SECRETARY  
STAFF SELECTION COMMISSION  
BLOCK-12  
CGO COMPLEX  
LODHI ROAD  
NEW DELHI- 110003

3:THE REGIONAL DIRECTOR (NER)  
STAFF SELECTION COMMISSION

RUKMINI NAGAR  
GUWAHATI-06

4:THE DIRECTOR GENERAL  
BORDER SECURITY FORCE (BSF)  
BLOCK NO. 10  
LODDHI ROAD  
PRAGATI VIHAR  
NEW DELHI- 110003

5:THE DIRECTOR GENERAL

CENTRAL RESERVE POLICE FORCE (CRPF)  
CGO COMPLEX LODHI ROAD  
NEW DELHI- 110003

6:THE DEPUTY INSPECTOR GENERAL OF POLICE  
CENTRAL RESERVE POLICE FORCE  
GROUP CENTRE  
AMERIGOG  
GUWAHATI- 23  
ASSAM

7:THE INSPECTOR GENERAL  
BORDER SECURITY FORCE  
GUWAHATI FRONTIER HQ  
PATGAON  
P.O. AZARA  
DISTRICT- KAMRUP  
ASSAM  
PIN- 781017

8:THE PO  
EXECUTIVE BOARD  
DV/DME/RME-CT(GD) EXAM  
2025  
O/O THE INSPECTOR GENERAL  
BORDER SECURITY FORCE  
GUWAHATI FRONTIER HQ  
PATGAON  
P.O. AZARA  
DISTRICT- KAMRUP  
ASSAM  
PIN- 783390

9:THE DISTRICT COMMISSIONER  
BONGAIGAON  
DISTRICT- BONGAIGAON  
ASSAM  
PIN- 78339

**Advocate for the Petitioner** : MR. K R PATGIRI, MS CHITRALEKHA DAS,MS. P  
TALUKDAR,MS. D. DEVI

**Advocate for the Respondent** : DY.S.G.I., MR. S S ROY(C.G.C.),GA, ASSAM

– B E F O R E –

**HON'BLE MR. JUSTICE SOUMITRA SAIKIA**

Advocate for the petitioners : Mr. K.R Patgiri, Advocate

Advocate for the respondents : Mr. S.S Roy, CGC

- Date on which Judgment was reserved : NA
- Date of Pronouncement of Judgment : 20.05.2026
- Whether the pronouncement is of the Operative Part of the Judgment : No
- Whether the full Judgment has been Pronounced : Yes

**JUDGMENT AND ORDER(ORAL)**

Heard Mr. K.R Patgiri, learned counsel for the petitioner. Also heard Mr. S.S Roy, learned CGC for the respondents.

**2.** This petition is filed by the petitioner seeking a writ pf mandamus for setting aside of the Clause 6.5 of the advertisement dated 05.09.2024, whereby the candidature of the petitioner stood rejected. Further, a writ of mandamus to the respondent authorities to consider the candidature of the petitioner under the respective categories by taking into account of the OBC (NCL) certificate produced by the petitioner.

**3.** The petitioner had submitted his candidature in response to the advertisement dated 05.09.2024 issued by the Respondent authority inviting application for the appointment to the post of Constable (GD) in Central Armed Police Forces (CAPFs) and SSF, Rifleman (GD) in Assam Rifles, and Sepoy in Narcotics Control Bureau. The date for submission of the online the application, the last date for submission of online application, the dates for correction and the tentative scheduled of dates for the Computer based examination were all

notified.

**4.** In response to the said advertisement, the writ petitioner had submitted his application supported by necessary documents. According to the writ petitioner, he belongs to the OBC category, but as on the last date of submission of documents, the required OBC (NCL) certificate was not available for considering his candidature under the OBC category. Therefore, the petitioner was treated under the Unreserved Category, and as he did not secure the required cut-off marks in that category he was not selected, otherwise he would have qualified and selected for the said recruitment. Being aggrieved, the present writ petition has been filed.

**5.** According to the petitioner there is a conflict between the terms of the advertisement, more particularly Clause 6.5 and 6.6 and the notification dated 17.08.2017 issued by the Government of India. In the said notification dated 17.08.2017, the Clause 3.1 provides as under:

*“3. Keeping in view the difficulties faced by the candidates and the Order of Hon'ble Supreme Court in SLP No. 3116/2017 in the matter of Union of India vs Abdul Rasheed, the Commission took up the matter regarding relaxation in the stipulated time limit (as indicated at para I above) with the Department of Personnel & Training. The Department of Personnel & Training in consultation with Department of Legal Affairs, endorsed the following decisions of the Commission as given below:- (i) With effect from 23.01.2017. (Le the date of dismissal of SLP No. 3116/2017 filed by the Commission in the Hon'ble Supreme Court of India (UOI vs Abdul Rasheed)] the Commission will not insist on candidates producing OBC Certificates issued within the cut off dates Le. 3 years, before the last date of receipt of applications and up to 180 days after the closing date of applications mentioned in the Notices.”*

**6.** The learned counsel for the respondents were given opportunities to complete their instructions. On written instructions, the learned CGC submits that the timeline prescribed under the notification dated 17.08.2017 still

continue to hold the field.

**7.** According to the respondents the last date for submission of document was 14.10.2024 as per the advertisement dated 05.09.2024. It is submitted by the learned counsel for the petitioner that in terms of the notification dated 17.08.2017, it was provided that the Commission will not insist on the candidates producing the OBC certificate issued within the cut off date i.e. 3 years before the last date of receipt of applications and up to 180 days after the closing date of applications mentioned in the notices.

**8.** The learned counsel for the petitioner submits that since the closing date of the application was 14.10.2024, the petitioner had issued his OBC (NCL) certificate on 29.11.2024, therefore he should be covered the extended benefit under notification dated 17.08.2017.

**9.** The learned counsel for the respondents on the other hand, on the basis of instructions, submits that the notification still subsists, therefore in so far as the writ petitioner is concerned it appears that he will be covered by the benefit extended vide circular dated 17.08.2017.

**10.** Considering the submission made and upon hearing the learned counsel for the parties, it is seen that in terms of the notification dated 17.08.2017, the Commission will not insist on the candidates producing the OBC certificate issued within the cut-off date i.e. 3 years before the last date of receipt of the application mentioned in the notices. It appears that the said benefit was not granted to the petitioner on the date of document verification. According to the petitioner, this OBC (NCL) certificate was available with him and ought to have been considered, but the same was not done. It is evident that the benefit under the notification dated 17.08.2017 was not granted to the petitioner.

**11.** Accordingly, this writ petition stands allowed. The matter is remanded to the

authorities who will reconsider the candidature of the writ petitioner under the OBC category by considering the NCL certificate dated 29.11.2024 and keeping in view of the benefit granted under the notification dated 17.08.2017. If the petitioner is found to be eligible in the category of OBC, then consequential order shall be passed regarding the issuance of appointment order, as it is submitted that medical examinations has already been done.

**12.** Accordingly, this writ petition stands allowed and disposed of.

**JUDGE**

**Comparing Assistant**