

GA.HC040005092020



Application No.	Application Received on	Date on which copy was made ready	Fees paid (Rs.)	Posting date to Delivery Desk
100047	24/07/2020	24/07/2020	100.00	24/07/2020

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

Case No. : WP(C) 191/2020

1:JERAMA BALO  
D/O- SHRI BALO RAJA, R/O- DAM SITE, NAHARLAGUN, P.O./P.S.-  
NAHARLAGUN, PAPUMPARE DISTRICT, AP.

VERSUS

1:APPSC REPRESENTED BY ITS SECRETARY GOVT. OF AP ITANAGAR,  
  
2:THE STATE OF AP REPRESENTED BY THE CHIEF SECRETARY  
GOVT. OF AP ITANAGAR

Advocate for the Petitioner : Ninnong Ratan  
Advocate for the Respondent : GA

**BEFORE**  
**HONBLE MR. JUSTICE NANI TAGIA**

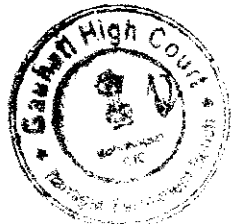
**ORDER**

Date : 24-07-2020

Heard Mr. N. Ratan, learned counsel appearing on behalf of the petitioner.

Also heard Mr. S. Tapin, learned Senior Government Advocate, appearing on behalf of the State Respondent No.2, proforma respondent. However, none appears on behalf of the Respondent No. 1 viz. Arunachal Pradesh Public Service Commission(APPSC).

This writ petition under Article 226 of the Constitution of India, has been filed by the petitioner seeking direction to the Respondent No. 1 i.e. Secretary, Arunachal Pradesh Public Service Commission(APPSC), Itanagar, to accept her online application for participation in the recruitment



process undertaken by the Arunachal Pradesh Public Service Commission(APPSC) in pursuance of the Advertisement, dated 11.02.2020, issued by the Secretary, Arunachal Pradesh Public Service Commission(APPSC), Itanagar, vide Memo. No. PSC-R(A)/28/2019 on the ground that the petitioner is now eligible to participate in the recruitment process undertaken by the Arunachal Pradesh Public Service Commission(APPSC) after the last date for submission of online application for Arunachal Pradesh Public Service Commission Combined Competitive (Preliminary & Mains) Examination, 2020, was extended upto 4PM of 31.07.2020, vide Notification, dated 19.06.2020, issued by the Secretary, Arunachal Pradesh Public Service Commission(APPSC), Itanagar, under Memo. No. PSC-R(A)/28/2019.

Issue notice, returnable in 6(six) weeks.

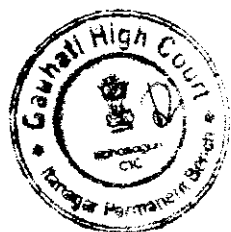
As Mr. Tapin, learned Senior Government Advocate, has accepted notice on behalf of the Respondent No. 2, no formal notice is required to be sent to the said respondent. However, he shall be provided with the requisite copies of the writ petition during the course of the day.

Notice to the Respondent No. 1 be served through the learned standing counsel, Arunachal Pradesh Public Service Commission(APPSC), within 3(three) days from today.

Heard on the interim prayer.

Mr. Ratan, learned counsel for the petitioner, praying for an interim order, submits that in the Advertisement, dated 11.02.2020, issued by the Secretary, Arunachal Pradesh Public Service Commission(APPSC), Itanagar, inviting applications for admission to the Arunachal Pradesh Public Service Commission Combined Competitive (Preliminary & Mains) Examination, 2020, the eligibility criteria provided in Clause 3 of the aforesaid Advertisement, amongst others, was that a candidate shall not be less than 21 years and more than 32 years of age as on 16.03.2020.

The petitioner having born on 23.03.1999, was short of 8 days in fulfilling the minimum age as required in terms of the Advertisement, dated 11.02.2020, as on 16.03.2020, which was the last date for receipt of the online application.



The Respondent No. 1 i.e. Secretary, Arunachal Pradesh Public Service Commission(APPSC), Itanagar, however, by issuing the Notification, dated 19.06.2020, under Memo. No. PSC-R(A)/28/2019, extended the last date for submission of online application for the Arunachal Pradesh Public Service Commission Combined Competitive (Preliminary & Mains) Examination, 2020, upto 4PM of 31.07.2020, in view of the nationwide lockdown for Covid-19 pandemic.

After the extension of the last date for submission of online application as above, the petitioner now fulfills the minimum age requirement of 21 years. However, even after the extension of the last date for submission of the online application by the respondent Arunachal Pradesh Public Service Commission(APPSC), the online application submitted thereafter, by the petitioner, has not been accepted by the link provided for the purpose by the Arunachal Pradesh Public Service Commission (APPSC).

Mr. Ratan, learned counsel, by referring to Rule 5, Clause (ii) of the Arunachal Pradesh Public Service Commission Combined Competitive Examination (APPSCCE) Examination Rules, 2019, contends that the eligibility criteria provided therein, in respect of the age of the candidate is that a candidate shall not be less than 21 years and not more than 32 years of age as on the last date of application as advertised or published by the Arunachal Pradesh Public Service Commission (APPSC). Accordingly, the petitioner contends that since the minimum or maximum age of the candidate is required to be computed as on the last date for submission of the application; and the Arunachal Pradesh Public Service Commission(APPSC) having extended the last date for submission of online application upto 4PM of 31.07.2020, vide Notification, dated 19.06.2020, issued under Memo. No. PSC-R(A)28/2019; the age of the petitioner is now required to be computed having regard to the last date fixed by the Arunachal Pradesh Public Service Commission (APPSC) as on 31.07.2020. The petitioner having born on 23.03.1999, therefore, would be aged about 21 years and 4 months, and thus, within the eligible age prescribed under the aforesaid Rules of 2019.

That being the position, the petitioner's application for participation in the recruitment process undertaken by the respondent Arunachal Pradesh Public Service Commission(APPSC), vide Advertisement, dated 11.02.2020, issued by the Secretary, Arunachal Pradesh Public Service Commission(APPSC), Itanagar, under Memo. No. PSC-(R(A)/28/2019; and the Notification, dated 19.06.2020, issued by the Secretary, Arunachal Pradesh Public Service Commission(APPSC), Itanagar,



ur. er Memo. No. PSC-R(A)/28/2019, extending the last date of submission of online application upto 4PM of 31.07.2020, ought to be accepted by the respondent Arunachal Pradesh Public Service Commission(APPSC), contends the petitioner.

Having heard the learned counsels representing the petitioner and the Respondent No. 2, I am of the considered view that the writ petitioner has been able to make-out a prima-facie case for passing of an appropriate interim order.

In view of the discussions made hereinabove, in the interim, it is hereby provided that the petitioner's application for admission to the Arunachal Pradesh Public Service Commission Combined Competitive (Preliminary & Mains) Examination, 2020, as advertised by the Respondent No. 1 i.e. Secretary, Arunachal Pradesh Public Service Commission(APPSC), Itanagar, dated 11.02.2020, under Memo. No. PSC-R(A)/28/2019, and in pursuance of the Notification, dated 19.06.2020, issued by the Secretary, Arunachal Pradesh Public Service Commission(APPSC), Itanagar, vide Memo. No. PSC-R(A)/28/2019, shall be accepted and the petitioner shall be allowed to write in the examination that would be conducted by the respondent Arunachal Pradesh Public Service Commission (APPSC) in terms of the Advertisement, dated 11.02.2020.

The acceptance of the petitioner's application as well as participation of the writ petitioner in the recruitment process as aforesaid, would, of course, be subject to the final order(s) that may be passed in this writ proceeding.

List it again after 6(six) weeks.

*Sd- N. Tagia*

**JUDGE**

*BRoy*  
Comparing Assistant

CERTIFIED TO BE A TRUE COPY

*Robin Nath Barman*  
24/07/2020  
Deputy Registrar  
Gauhati High Court  
Itanagar Permanent Bench Nansana  
Authorised U/S 76 of Act of 1872  
*BRoy*