

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

ITANAGAR BENCH.

1. WP(C) NO. 393 (AP) 2013
2. WP(C) NO. 388 (AP) 2013
3. WP(C) NO. 412 (AP) 2013
4. WP(C) NO. 415 (AP) 2013
5. WP(C) NO. 399 (AP) 2013
6. WP(C) NO. 400 (AP) 2013
7. WP(C) NO. 408 (AP) 2013
8. WP(C) NO. 413 (AP) 2013

In WP(C) No. 393 (AP) 2013

1. Sri Tomsang Pertin,
S/o Sri Batem Pertin, Age about 26 years,
C/o B. Pertin, Deputy Diector (Museum & Architech),
Directorate of Research,
Govt. of A.P, Itanagar.
2. Shri Yorum Agung,
S/o Sri Yoram Tap, Age about 23 years,
C/o Shri Yorum Tap, Nirjuli Niya Colony,
Near Power House, Nirjuli,
Papum Pare District, A.P.
3. Miss Tako Menya,
D/o Sri Taku Tukia, Age about 26 years,
C/o B.B. Plaza, First Floor,
United Colours of Benetton, Itanagar,
Arunachal Pradesh.
4. Shri Ragjo Sengdo,
S/o Sri Draka Sengdo, Age about 23 years, C/o Dragka
Sengdo, A.V., D.V.O Office,
Seppa, A.P.
5. Shri Gombu Tsering Thungon,
S/o Lt. Ledo Thungon, Age about 25 years,
C/o S.K. Thungon, Spice Board India,
Bank Tinali, VIP Road, Itanagar A.P.
6. Miss Rebie Taggu, D/o Sri Takop Taggu,
Age about 23 years, C/o Otor Taggu,
O/o CE, WRD, Vivek Vihar, Itanagar A.P.
7. Shri Riso Anthony, S/o Sri Riso Niki,
Age about 26 years, C/o Toko Junu, R.K.Mission
Complex Hospital, Ganga, Itanagar A.P.

S-O(R)A

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8. Shri Tasap Yinyo, S/o Sri Takek Yinyo, Age about 29 years, C/o N. Yinyo, PO-Nari, East Siang District (A.P).
9. Sri Tage Rinyo, S/o Sri Tage Gambo, Age about 25 years, C/o Tasso Nibi, G-Sector, Opposite qtr. No. 408, Naharlagun A.P.
10. Hage Manty, F/Name Sri Hage Hanya, Age about 27 years, C/o Hage Kari (Sr. Dental Surgeon) Ziro, A.P.
11. Sri Tage Taka, S/o Sri Tage Gambo, Age about 23 years, C/o Tasso Nibo, G-Sector, Opposite Qtr. No. 408, Naharlagun A.P.,
12. Miss. Jopi Basar, D/o Sri Tojo Basar, Age about 24 years, C/o Shri Tojo Basar, DT Gas Agency, Basar, West Siang District, A.P.
13. Shri Tobom Kamdak, S/o Sri Mento Kamdak, Age about 28 years C/o Shri Tonia Kamdak, C-Sector, Itanagar, A.P.
14. Miss Ajum Bagang, D/o Sri Ashok Bagang, Age about 26 years C/o Pama Bagang, Circle Officer, Banderdewqa, Papumpare District, A.P.
15. Mr. Rebe Bagang, S/o Sri Ashok Bagang, Age about 23 years, C/o Pama Bagang, Circle Officer, Banderdewa, District, Papumpare, A.P.
16. Mr. Tadar Tamar, S/o Sri Tadar Rangey, age about 30 years, C/o Smti Yatung Mara, SE Office, PWD, Naharlagun A.P.
17. Miss. Joram Metung, D/o Sri Joram Boke, Age about 22 years C/o. Likha Tekhi Nyeda Nyett Apartment, Flat No. 15, C-Sector, Naharlagun, A.P.
18. Miss Pooza Sonam, D/o Lt. Kamli Yaffa, Age about 30 years, C/o Mepung Nabum Qtr. No. 163, Ward No. 16, P-Sector, Itanagar, A.P- 791111
19. Miss Karbom Riba, D/o Sri Dakkar Riba, Age about 28 years, C/o Karbom Riba, D- Sector, Itanagar, Arunachal Pradesh, A.P.
20. Miss Aniyang Yirang, D/o Sri Onak Yirang, Age about 24 years, C/o K.Z. Modi, Directorate of Food and Civil Supply, Naharlagun, Arunachal Pradesh.
21. Sri Phassang Yama, S/o Sri Phassang Tajik, Age About 24 years, C/o Simi Phassang P-Sector, Nirjuli, Arunachal Pradesh.

22. Sri Robin Tesia, S/o Sri Wachan Tesia, Age about 25 years, C/o W. Tesia, Legislative Assembly, Nahalagun, Arunachal Pradesh.
23. Sri Kiktam Bayang, S/o Sri Tarang Bayang, Age about 22 years, C/o Honi Bayang Seppa, West Kameng District, Arunachal Pradesh
24. Miss Annie Ering, D/o Sri Kunu Ering, Age about 26 years, C/o Enamai Krong, DC Office, Tezu, Lohit District, Arunachal Pradesh.
25. Sri Taling Lino, S/o Sri Tagin Lino, Age about 27 years, C/o Upper Colony, Aalo, West Saing District, Arunachal Pradesh.
26. Sri Tasi Lini, S/o Sri Tagin Lino, Age about 25 years C/o Upper Colony, Aalo, West Siang District, Arunachal Pradesh.
27. Miss. Manisha Pertin, D/o Sri Guni Pertin, Age about 27 years, C/o Guni Pertin, Vill-Bolung, PO-Roing, Lower Dibang Valley, Arunachal Pradesh.
28. Adangsi Krong, Father's Name Sri Jogem Krong, Age about 24 years, C/o Enamai Krong, DC Office, Tezu, Lohit District, Arunachal Pradesh.
29. Miss Tenzin Metoh, D/o Sri Tempa Tsering, Age About 29 years, C/o Genden Sangmo, Lezi Complex, Bank Tinali, Itanagar, A.P.
30. Miss. Genyir Potom, D/o Sri Bomge Potom, Age about 28 years, C/o Ganpati Auto Agency Tusok Complex, Ziro Point Tinali, Itanagar, A.P.
31. Miss Largi Ngoba, D/o Sri Talar Karsen Ngoba, Age About 25 years, C/o Dangam Ngoba, Labour Employment Office, Naharlagun, Arunachal Pradesh.
32. Miss Opet Tatak, D/o Sri Tamiyo Tatak, Age about 28 Years, C/o Tapak Uli (Adv) Gauhati High Court, Naharlagun, A.P.
33. Shri Tana Sem, S/o Sri Tana Tad, Age about 27 years, C/o A-Sector, Naharlagun, Papumpare District, Arunachal Pradesh.
34. Shri Dagge Diyum, S/o Sri Redak Diyum, Age about 27 Years, C/o Dabom Lollen, Oriental Insurance Company, Takar Complex, Naharlagun, A.P.
35. Shri Michi Tabiyo, S/o Sri Michi Taker, Age about 28 Years, C/o Directorate of Economics & Statistics, Itanagar, District-Papumpare, A.P.
36. Shri Tumjom Tato, S/o Sri Juntum Tato, Age about 28 Years, C/o Jutum Tato, Near Shiv Mandir, A-Sector, Itanagar, District-Papumpare, A.P.
37. Shri Hage Obing, S/o Lt. Hage Gambo, Age about 28

Years, C/o Hage Nania, Itafort, Dispensary Bank Tinali, Itanagar, District- Papumpare, A.P.

38. Shri Subu Talo, S/o Sri Subu Lali, Age about 39 years, C/o S.P.(J), District Jail, Jollang, Itanagar, District- Papumpare, A.P.
39. Shri Kapak Tapa, S/o Sri Kabak Dokum, Age about 22 years, C/o Dr. Kabak Tamar, D.B. Health Care & Diagnostic Centre, Ziro Point Tinali, Itanagar, District- Papumpare, A.P.
40. Miss Gombu Chozom, D/o Sri Pema Gombu, Age About 22 years, C/o Pem Lhajom, Pro to CM Cell, Govt. of A.P., Itanagar, District-Papumpare, A.P.
41. Shri Habung Obing, S/o Lt. Habung Tabin, Age about 24 years, C/o Millo Yarang, O/o E.E. PWD, Itanagar, District-Papumpare. A.P.
42. Miss Beauty Pangying, D/o Sri Ojung Panyaing, Age About 28 years, C/o Bapi Panyang, Directorate of Audit & Pension, Govt. of A.P., District-Papumpare, A.P.
43. Shri Koda Talying, S/o Sri Khoda Ruja, Age about 26 Years, C/o Purvanchal School, Mowb-II, Itanagar, Papumpare (A.P.). -
44. Shri Homsham Morang, S/o Sri Womkim Morang, Age About 25 years, C/o Hage Sunia, Deptt. Of Zoology, RGU, Rono Hills, District-Papumpare, A.P.
45. Dene Mena, Father's name- Sri Dharoti Mena, Age About 22 years, C/o Eri Mega Cheta 2, Roing, Lower Dibang Valley (A.P), District-Papumpare, A.P.
46. Sri Tenzin Zenden, S/o Sri Wangdi Chombey, Age About 22 years, Akashdeep, M/s Style Kraft, Ganga, Itanagar, District-Papumpare, A.P.
47. Iken Rumdo, Father's name Sri Tai Rumdo, Age About 25 years, C/o Keba Taso, O/o Commissioner of Tax and Excise, C-Sector, Itanagar, District- Papumpare, A.P. -
48. Tem Paul, F/N Sri Tem Kaya, Age about 23 years, Qtr. No. 37, T-IV, D-Sector, Naharlagun, District- Papumpare, Arunachal Pradesh.
49. Indu Linggi, F/name Sri Kiteni Linggi, Age about 29 Years, C/o- Mayu-I, Roing, Lower Dibang Valley, A.P.
50. Miss Kayum Loya, F/name Sri Toka Loya, Age about 29 years, C/o Joint Director (T&R), General Hospital, Pasighat, East Siang District, Arunachal Pradesh.
51. Ratan Perme, F/Name Sri Tempel Perme, Age about 30 years, C/o Smti O. Lego, O/o PCCF, O-Point, Itanagar, Papumpare district, Arunachal Pradesh.
52. Bikram Nasi, F/name Sri Larbin Nasi, Age about 26

- Years, C/o Larbin Nasi, D-Sector, Qtr. No.13, Type-III, Naharlagun, Papumpare District, Arunachal Pradesh.
53. Choki Dokio, F/Name Lt. Choki Tai, Age about 30 Years, C/o Choki Tatung (Staff APST Service Station) Itanagar, Papumpare District, Arunachal Pradesh.
 54. Sri Kenjar Taso, F/Name Lt. Reken Taso, Age about 26 years, C/o Sri R. Diyum (Stat. Cell), Directorate Office (AHV), Govt. of A.P., Nirjuli, District-Papumpare, A.P.
 55. Tapi Mali, F/name Sri Tapi Batt, Age about 29 years, C/o. Shri Gyati Tatu (Addl. DHS), Directorate of Health Service, Naharlagun, District-Papumpare A.P.
 56. Chum Darang, F/name Sri Tajep Darang, Age about 21 years, C/o Tana Murtem, A.G. Office, Itanagar District-Papumpare, A.P.
 57. Shri Beto Doni, S/o Sri Tabe Doni, Age about 25 years C/o. Tabe Dodi, Bank Tinali, Itanagar, District-Papumpare, A.P.
 58. Taba Nagu, F/Name Sri Taba Kamin, Age about 28 Years, Taba Nagu, P/o & P/s- Nirjuli, Bage Tinali, Vill-Nirjuli, Dist-Papumpare, Arunachal Pradesh
 59. Boa Terry, F/name Sri Boa Tamo, Age about 35 years, C/o A-Sector, Itanagar, Papumpare District, Arunachal Pradesh.
 60. Shri Kashik Tayeng, S/o Sri Yemjem Tayeng, Age About 29 years, C/o Chief Conservator of Forest, PO-Banderdewa, Papum Pare District, A.P.
 61. Hukken Riram, F/name Sri Mohuk Riram, Age about 23 years, High Bagra, Aalo, West Siang District, Arunachal Pradesh.
 62. Shri Tasso Kobing, S/o Sri Tasso Olang, Age about 29 years, D-Sector, Naharlagun, Papumpare District, Arunachal Pradesh.
 63. Shri Bengia Thomas, S/o Sri Bengia Eka, Age about 27 years, Bage Tinali, Nirjuli, Papumpare district, Arunachal Pradesh.
 64. Shri Duyu Pullo, S/o Sri Duyu Pussang, Age about 24 years, C/o Habung Tani, Section Officer, Finance E-1, Civil Secretariat, District-Papumpare A.P.
 65. Miiss Amanda Pertin, D/o Sri Makbuk Pertin, Age About 25 years, Bank Tinali, Itanagar, District-Papumpare, A.P.
 66. Shri Jecky Boje, S/o Sri Taper Pada, Age about 26 years, Vill- Leidum, P/o. Bilat, P/s-Ruksin, District- East Siang, Arunachal Pradesh.
 67. Shri Pebi Tato, S/o Sri Mirpe Tato, Age about 24

Years, C/o Juntum-Tato, CE Office, Vidyut Bhavan, Itanagar, District- Papumpare A.P.

68. Shri Daniel Jini, S/o Sri Jumdo Jini, Age about 26 years C/o Holy Child School, H-Sector, Itanagar, District-Papumpare A.P.
69. Miss. Karoti Lego, D/o Sri Tembu Lego, Age about 24 years, C/o Bisemlu Mangu, Postal Head Office, Itanagar, District-Papumpare, A.P.
70. Shri Eddie Payeng, S/o Sri Takinu Payeng, Age about 25 years, C/o Mrs. Siemi Hmar, Legislative Assembly, Naharlagun, District-Papumpare, A.P.
71. Shri Topu Tok, S/o Sri Gingma Tok, Age about 28 Years, C/o Tayum Tok, Model Village, Seppa. A.P.
72. Mr. Kiran Tana, S/o Sri Pate Tana, Age about 24 years C/o Gyammar Karo, ESS Sector, Quarter No.10, Near Revival Church, Itanagar, District-Papumpare, A.P.
73. Shri Rubu Tani, S/o Sri Rubu Taki, Age about 23 years C/o Tage Adu, BOSCH Car, Service Centre, H-Sector, Itanagar, District-Papumpare, A.P.
74. Shri Joram Aka Bai S/o Sri Joram Boke, Age about 26 years, C/o Nyeda Nyett Apartment, Flat No. 15, C-Sector, Naharlagun, District-Papumpare, A.P.
75. Khunlong Matey, F/name Sri Moichang Matey, Age About 28 years, P/o- Deomali, District-Tirap, Arunachal Pradesh.
76. Sangmo Tawe, F/name Lt. Dongro Tawe, Age about 28 years, C/o NERIST, PG Boys Hostel Room No. 23, Nirjuli, Papumpare, A.P.
77. Tasso Nobin, F/name Sri Tasso Mudo, Age about 27 Years, C/o Hage Yamin, WRD Branch, AP Sector, Itanagar, District- Papumpare, A.P.
78. Sujeena Manpoong, F/name Sri Mahala Manpoong, Age about 28 years, E-29, Namsai Town, Iird Block, District-Lohit, Arunachal Pradesh.
79. Miss. Higio Zarngam, D/o Sri Higio Tala, Age about 24 years, C/o Higio Tala EAC, Under Secretariat, State Election Commission, Itanagar, District- Papumpare, A.P.
80. Higio Taluk, F/namē Sri Higio Doro, Age about 25 Years, C/o Higio Tala EAC, Under Secretariat, State Election Commission, Itanagar, District- Papumpare, A.P.
81. Miss Seema Podo, D/o Sri Shri Tabin Podo, Age about 23 years, C/o Lipo Taping; Near Nemko Hotel, B-Sector, Premnagar, Distrcit- Papumpare, A.P.
82. Tobom Basar, F/name Sri Lito Basar, Age about 27

Years, C/o Mrs. Tongam Basar Taipodia, D-Sector, Qrt. No. 508, T-II, Naharlagun, District- Papumpare, A.P.

83. Miss Pema Yangzin, D/o Pema Gombu, Age about 24 years, C/o Prem Lhajom, Pro to CM Cell, Office, Niti-vihar, District- Papumpare, A.P.
84. Shri Dibang Rai, S/o Lt. Tachok, Age about 24 years C/o Gollo Tanga, Doordarshan Kendra, Itanagar, District- Papumpare, A.P.
85. Miss Joram Mepung, D/o Sri Joram Boke, Age about 28 years, C/o. Likha Tekhi, Nyeda Nyett. Apartment Flat No.15, Forest Colony, Naharlagun, District- Papumpare, A.P.
86. Miss Jummy Mena, D/o Sri Dharoti Mena, Age about 27 years, C/o Eri Mega Cheta 2, Roing, Lower Dibang Valley, A.P.
87. Shri Ruchu Tacho, S/o Sri Tade Tacho, Age about 29 Years, C/o Tade Tacho Anini, Dibang Valley, A.P.
88. Ritemlu Kri, F/name Sri Sonjalum Kri, Age about 24 Years, C/o DSO (Stat.), Tezu, Lohit District, Arunachal Pradesh.
89. Christina Mum Norbu, F/name Sri Borbu Lame, Age About 27 years, C/o Nirbu Lame, near CE (Hydropower) Office, Itanagar, District -Papumpare, Arunachal Pradesh.
90. Shri Kaling Eko, S/o Sri Tagum Eko, Age about 23 Years, C/o Mowb-II, Purvanchal School, Itanagar, District- Papumpare, A.P.
91. Biju Dodum, F/name Sri P.G. Dodum, Age about 23 years, C/o Lakashmi Dodum, Mak Apartments, Pappunallah, District- Papumpare, A.P.
92. Miss Nima Dolma, D/o Sri Thupten Chopel, Age about 23 years, C/o Rashmi Cloth Store, Legi Complex, Itanagar, District- Papumpare, A.P.
93. Tenzin Rigsang Thakuri, F/name Sri Kumar Thakuri, Age about 23 years, C/o Kumar Thakuri, DC Office, Bomdila, West Kameng District, Arunachal Pradesh.
94. Tao Taja, F/name Lt. Tao Tem, Age about 25 years, C/o Nikh Sita, D-Sector, Naharlagun, Papumpare District, Arunachal Pradesh.
95. Tar Taro, F/name Lt. Tar Jirdu, Age about 23 years Model Village, Naharlagun, Papumpare District, Arunachal Pradesh.
96. Shri Anant Goel, S/o Shri Mukesh Kr. Goel, Aged About 27 years, 15/7 Shivvihar Colony, Delhi Road, Saharanpur-247001.

97. Radhe Obing, S/o Radhe Bhatt, aged about 26 years, C/o Radhe Ampri, DHS Office, Naharlagun, District-Papumpare, A.P.
98. Miss. Gampi Basar, D/o Shri Mogum Basar, aged About 27 years, PO & PS-Basar, West Siang District, A.P.
(All common cause of action)
Rejected candidate of APPSCCE (Prelims.).

.....Petitioners.

By Advocates:

Mr. R. Saikia,
Mr. T. Zirdo, Mr. M. Bagra,
Mr. K. Lollen, Mr. L. Nochi,
Ms. CD Thongchi.

-Versus-

1. The Arunachal Pradesh Public Service Commission represented by the Secretary, Govt. of Arunachal Pradesh, Itanagar.
2. The Chairman, Arunachal Pradesh Public Service Commission, Government of Arunachal Pradesh, Itanagar.
3. The Controller/Deputy Secretary, Arunachal Pradesh Public Service Commission, Government of Arunachal Pradesh, Itanagar.
4. The Secretary, Department of Personnel, Government of Arunachal Pradesh, Itanagar.
5. The Secretary/Commissioner, Department of Home, Govt. of Arunachal Pradesh, Itanagar.

.....Respondents.

By Advocates:

Mr. N. Tagia, S/C, APPSC
Mr. R.H. Nabam, Sr. G.A.

with

In WP(C) No. 388 (AP) 2013

Shri Tailang Kobin,
Son of Shri Tailang Kacho,
'G' Extension, Naharlagun,
PO- Naharlagun, District-Papumpare,
Arunachal Pradesh.

.....Petitioner.

By Advocates:
Mr. S. Koyang,
Mr. S. Tapin.

-Versus-

The Arunachal Pradesh Public Service
 Commission, Represented by the Secretary,
 Arunachal Pradesh Public Service Commission,
 Itanagar.

.....Respondent.

By Advocate:
Mr. N. Tagia, S/C APPSC.

with

In WP(C) No. 412 (AP) 2013

Miss Tage Shelly,
 D/o Shri Tage Taki, Vill-Lempia,
 PO/PS-Ziro, Lower Subansiri,
 Arunachal Pradesh.

.....Petitioner.

By Advocates:
Mr. R. Saikia,
Mr. T. Zirido, Mr. M. Bagra,
Mr. K. Lollen, Mr. L. Nochi,
Ms. CD Thongchi.

-Versus-

1. The Arunachal Pradesh Public Service Commission represented by the Secretary, Govt. of Arunachal Pradesh, Itanagar.
2. The Chairman, Arunachal Pradesh Public Service Commission, Government of Arunachal Pradesh, Itanagar.
3. The Controller/Deputy Secretary, Arunachal Pradesh Public Service Commission, Government of Arunachal Pradesh, Itanagar.

4. The Secretary, Department of Personnel, Government of Arunachal Pradesh, Itanagar.
5. The Secretary/Commissioner, Department of Home, Govt. of Arunachal Pradesh, Itanagar.

.....Respondents.

By Advocates:
Mr. N. Tagla, S/C, APPSC
Mr. R.H. Nabam, Sr. G.A.

with

In WP(C) No. 415 (AP) 2013

1. Shri Miro Dai, S/o' Shri Talu Dai, Village-Mirsam, PO/PS- Pasighat, East Siang District, A.P.
2. Shri Redong Dai, S/o Shri Talu Dai, Village- Mirsam, PO/PS- Pasighat, East Siang District, A.P
3. Miss Gemang Tamuk, D/o Shri Olom Tamuk, Village- Mongku, PO/PS- Pasighat, East Siang District, A.P
(Common cause of action)

.....Petitioners.

By Advocates:
Mr. D. Panging,
Mr. D. Soki, Mr. V. Jamoh,
Mr. N. Dal.

-Versus-

1. The Arunachal Pradesh Public Service Commission, represented by its Secretary, Govt. of Arunachal-Pradesh, Itanagar.
2. The Chairman, Arunachal Pradesh Public Service Commission, Itanagar.
3. The Controller/Deputy Secretary, Arunachal Pradesh Public Service Commission, Itanagar.

4. The Secretary, Department of Personnel, Government of Arunachal Pradesh, Itanagar.

.....Respondents.

By Advocates:

Mr. N. Tagia, S/C, APPSC
Mr. R.H. Nabam, Sr. G.A.

with

In WP(C) No. 399 (AP) 2013

Shri Pakjum Chiram, S/o Marpak Chiram,
Permanent Resident of Daring Village,
PO and PS-Basar, West Siang District,
Arunachal Pradesh.

.....Petitioner.

By Advocates:

Mr. K. Jini,
Mr. D. Loyi,
Mr. B. Picha

-Versus-

1. The Arunachal Pradesh Public Service Commission, Itanagar, represented by its Secretary, Govt. of Arunachal Pradesh, Itanagar.
2. The Chairman, Arunachal Pradesh Public Service Commission, Itanagar.
3. The Joint Secretary, Arunachal Public Service Commission, Itanagar.

.....Respondents.

By Advocate:

Mr. N. Tagia, S/C, APPSC

With

In WP(C) No. 400 (AP) 2013

Shri Nyamo Ete, S/o Marnya Ete,

Permanent Resident of Darka Village,
PO and PS-Aalo, West Siang District,
Arunachal Pradesh.

.....Petitioner.

By Advocates:

Mr. K. Jini,
Mr. D. Loyi,
Mr. B. Picha

-Versus-

1. The Arunachal Pradesh Public Service Commission, Itanagar, represented by its Secretary, Govt. of Arunachal Pradesh, Itanagar.
2. The Chairman, Arunachal Pradesh Public Service Commission, Itanagar.
3. The Joint Secretary, Arunachal Public Service Commission, Itanagar.

.....Respondents.

By Advocate:

Mr. N. Tagia, S/C, APPSC

With

In WP(C) No. 408 (AP) 2013

1. Shri Rocky Pao, S/o Shri Samo Pao, Permanent Resident of Crema Pao Village, PO and PS-Chayang Tajo, East Kameng, Kurung Kumey District, Arunachal Pradesh.
2. Miss Radhe Yam, D/o Late Radhe Tabin, Permanent Resident of Tajang Village, PO/PS-Ziro, Lower Subansiri District, Arunachal Pradesh.

.....Petitioners.

By Advocates:

Mr. N. Ratan,
Mr. G. Ngomdir, Mr. K. Loya,
Mr. D. Ete, Mr. L. Bam

-Versus-

1. The Arunachal Pradesh Public Service Commission, Itanagar, represented by its Secretary, Arunachal Pradesh, Itanagar.
2. The Chairman, Arunachal Pradesh Public Service Commission, Itanagar.
3. The Controller/Deputy Secretary, Arunachal Public Service Commission, Itanagar.
4. The Secretary, Department of Personnel, Govt. of Arunachal Pradesh, Itanagar.
5. The Secretary/ Commissioner, Department of Home, Govt. of Arunachal Pradesh, Itanagar.

.....Respondents.

By Advocate:
Mr. N. Tagia, S/C, APPSC
Mr. R. H. Nabam, Sr. G.A.

with

In WP(C) No. 413 (AP) 2013

1. Shri Metum Soki, S/o Shri Keme Soki,
R/o Daporijo, PO/PS- Daporijo,
Upper Subansiri District, A.P.

.....Petitioner.

By Advocates:
Mr. D. Panging,
Mr. D. Soki, Mr. V. Jamoh,
Mr. N. Dai.

-Versus-

5. The Arunachal Pradesh Public Service Commission, represented by its Secretary, Govt. of Arunachal Pradesh, Itanagar.

6. The Chairman, Arunachal Pradesh Public Service Commission, Itanagar.
7. The Controller/Deputy Secretary, Arunachal Pradesh Public Service Commission, Itanagar.
8. The Secretary, Department of Personnel, Government of Arunachal Pradesh, Itanagar.

.....Respondents.

By Advocates:
Mr. N. Tagia, S/C, APPSC
Mr. R.H. Nabam, Sr. G.A.

BEFORE
THE HON'BLE DR. (MRS.) JUSTICE INDIRA SHAH

Date of hearing : 28-11-2013

Date of Judgment & Order : 20-12-2013

JUDGMENT & ORDER (CAV)

Heard Mr. S. Koyang, learned counsel assisted by Mr. S. Tapin in WP(C) 388 (AP) 2013, Mr. R. Saikia, learned counsel in WP(C) 393 (AP) 2013 and WP(C) 412 (AP) 2013, Mr. K. Jini, learned counsel in WP(C) 399 (AP) 2013 and WP(C) 400 (AP) 2013, Mr. N. Ratan, learned counsel in WP(C) 408 (AP) 2013 and Mr. D. Panging, learned counsel in WP(C) 413 (AP) 2013 and WP(C) 415 (AP) 2013. Also heard Mr. N. Tagia, learned Standing Counsel for APPSC in all the writ petitions and Mr. R. H. Nabam, learned Sr. Govt. Advocate for the State respondents.

2]. Rejection of candidature of the petitioners by Arunachal Pradesh Public Service Commission ('APPSC' in short) from appearing

in the State Civil Service Examination due to trivial defect has led the petitioners to file.

1. WP(C) NO. 393 (AP) 2013
2. WP(C) NO. 388 (AP) 2013
3. WP(C) NO. 412 (AP) 2013
4. WP(C) NO. 415 (AP) 2013
5. WP(C) NO. 399 (AP) 2013
6. WP(C) NO. 400 (AP) 2013
7. WP(C) NO. 408 (AP) 2013
8. WP(C) NO. 413 (AP) 2013

3]. In WP(C) 393 (AP) 2013, candidature of petitioner Nos. 1 to 28, have been rejected due to want of their signature in the declaration column of the form. The candidature of writ petitioner Nos. 63 to 79 and 81 to 82 were rejected on the ground that they failed to furnish self attested photo whereas in case of writ petitioner No.80 his photo was attested by a gazetted officer. Petitioner No. 62 instead of self attested coloured photo pasted black and white photograph and his candidature was also rejected. Petitioner Nos. 83 to 93 failed to mention properly their gender and petitioner Nos. 30 to 51 failed to properly mention their date of birth. Petitioner No. 57, 58 and 59 did not mention their home district and petitioner Nos.52, 53, 54 and 56 did not mention their examination centre. Petitioner Nos. 91, 92 and 93 failed to mention their optional subject and petitioner Nos. 60, 61 and 98 did not properly mention their name.

4]. In WP(C) 415 (AP) 2013, the petitioner No. 1, Shri Miro Dai, did not mention the date of birth while filling up the form. The petitioner No.2, Shri Redong Dai, although he filed up the day and year but failed

to mention the month of his birth year. In case of petitioner No.3, Ms. Gemang Tamuk, day and month were shown but year was missing. The petitioners, herein, claimed that they had mentioned the day, month and year of their birth in figure. However, they had committed mistake while darkening the corresponding oval in the respective columns. Their candidates were rejected as the scanning of OMR forms were done by the machine.

5]. In WP(C) No. 413 (AP) 2013, the petitioner, Shri Metum Soki, after darkening the oval pertaining to his name had darkened one another oval after his name and therefore one extra letter has crept up along with the name of the petitioner and his candidature was rejected on that count.

6]. In WP(C) No. 412 (AP) 2013, the candidature of Ms. Tage Shelly, petitioner was rejected because the petitioner has written the date of birth in the blocks provided in the OMR sheet/application form but inadvertently failed to darken the oval provided in OMR sheet/application form.

7]. In WP(C) No.399 (AP) 2013, the petitioner, Shri Pakjum Chiram, failed to darken the oval in the birth, month of the OMR form although he has filled the numerical number within the box which were provided in the OMR sheet.

- 8]. In WP(C) No.400 (AP) 2013, the petitioner, Shri Nyamo Ete, failed to shed the bubbles in the gender category in the application/OMR form.
- 9]. In WP(C) No. 408 (AP) 2013, the petitioners, namely, Shri Rocky Pao and Mss Radhe Yam, failed to mention their examination centre although non mentioning of examination centre is not a ground for rejection of candidatures as per the advertisement.
- 10]. In WP(C) No. 388 (AP) 2013, the candidature of petitioner, namely, Shri Tailang Kobin, has been rejected on the ground of non mentioning the gender by darkening the oval provided in the application form, although, the petitioner has mentioned his gender (sex) as male by marking 1 in figure for male in the box provided in the application form.
- 11]. The candidature of Mss Tage Shelly, the petitioner in writ petition No. WP(C) 412 (AP) 2013 was rejected on the ground that she failed to darken the oval image in the OMR sheet/application form pertaining to date of her birth although she had mentioned the birth date in numerical. Similarly the petitioners in WP(C) 415 (AP) 2013 failed to mention their date of birth.
- 12]. The candidates were required to fill up form by darkening the relevant images (oval shape bubbles) which were scanned by specialized computer scanning machine. Along with oval images there

were blocks also which were to be filled up in English letter or numerical. All the defects according to petitioners were curable in nature.

13]. This Court by an interim order passed on 18-09-2013, directed the APPSC to allow the petitioners to appear in the preliminary examination scheduled to be held on 22nd September, 2013. Accordingly, altogether 97 petitioners had appeared in the preliminary examination but their results have been withheld. Vide order dated 23-10-2013, the respondents/ APPSC was further directed to publish the result of preliminary examinations and if the petitioners have qualified in the said examination to allow them to fill up the forms of main examination and further to allow them to appear in the main examination. But their result will be withheld till disposal of writ petitions. However, the order dated 23-10-2013 has been stayed by virtue of order dated 07-11-2013 passed by the Division Bench.

14]. It is contended by the petitioners that the APPSC has framed their own guidelines being Arunachal Pradesh Public Service Commission Rules of Procedure & conduct of Examination Guidelines 2012. In clause 7 of the guidelines aforementioned, it has been mentioned that A 'Do's and Don'ts instruction will be displayed in the notice board and the receptionist/staff of the reception counter will advise the candidates to go through these instructions before they make their submission. But neither such instruction was displayed in

the notice board nor any receptionist/staff advised any candidates, as such, rejection of candidature of the petitioners is violation of their own guidelines.

15]. Rule 8 of the above Rule prescribes the procedure for scrutiny of application form and admission to Examination as under:-

"8 Scrutiny of Application: A Screening Committee headed by Chairman/Member of Commission as Chairman with 2/3 officers and officials and (expert if necessary) will be constituted by the Commission for the scrutiny of the application forms. After scrutiny the Screening Committee will submit its report with findings to the Commission for decision on admissibility of candidates to the examination.

Rule 9- Admission to Examination: The Commission will be the final authority to take decision on admissibility and rejection of candidates.

16]. It is submitted by the learned counsel for the petitioners that no such Screening Committee was constituted for scrutiny of application forms and the candidatures of petitioners as per the guidelines had been mechanically rejected on the basis of reading of OMR machine.

It is further contended that in the advertisement, APPSC mentioned that the application form will be rejected in case of APPSC (Mains) 2013 but there was no mention that the forms may be rejected in APPSC (Preliminary) also itself.

17]. According to the petitioners they are deprived of their basic fundamental right under Articles 14 and 16 of the Constitution. It is submitted on behalf of the petitioners that the APPSC has taken a hyper technical, unreasonable view while rejecting the candidatures of the petitioners inasmuch as the defects are curable in nature.

18]. Mr. N. Tagia, learned Standing Counsel appearing on behalf of the APPSC submitted that the writ petitions are not maintainable. The petitioners have no enforceable right and in absence of any enforceable legal or constitutional right, the extra ordinary jurisdiction of this Court ought not to be exercised. Admittedly, the petitioners have committed mistakes in filling up the forms. It was mandate as per instructions contained in the said form that the forms were to be filled as per the instructions contained and there will be no chance of rectification. The Optical Mark Recognition ('OMR' in short) is followed in most of the State Public Service Commission including the Union Public Service Commission.

19]. It is further submitted that all total 13,118 numbers of applicants had applied and candidatures of 3013 numbers of applicants were rejected. Only 108 candidates had filed writ petitions and inspite of interim protection given by this Court allowing them to appear in preliminary examination out of 108 petitioners only 97 had appeared in the preliminary examination.

20]. It is submitted on behalf of the respondents/APPSC that if this Court allows the writ petitions then it will cause injustice to rest of 2905 candidates whose applications have been rejected on similar grounds. Further more, the writ petitions are also liable to be rejected for combination of multiple causes of action inasmuch as the cause of action of each petitioner are different and distinct as each petitioner had filled up their respective forms individually and have committed mistakes individually.

21]. So far as injustice to rest of 2905 candidates is concerned, they have not approached this Court challenging the rejection of their candidatures. In the case of Charles K. Skaria and Others. State of Kerala and Anr. Vs. Dr. C. Mathew and Others. Dr. K U GopalaKrishnan and Ors., reported in (1980) 2 SCC 752, it was held that the probability that a party, who does not litigate manifests apathy for the enforcement of his rights. The logic is simple. He, who does not promptly pursue his remedy, may reasonably be assumed to have lost interest in gaining admission to the course. In the circumstances, it is reasonable to assume that these candidates have abandoned their claimed.

22]. It is urged that filling up of forms is a part of examination process and normally the Courts in exercise of its extra-ordinary jurisdiction should not interfere with such process save and except in

rare cases wherein there is gross arbitrariness and/or unreasonableness.

23]. It is contended that the writ petitions are also liable to be dismissed on the ground of suppression of material facts inasmuch as the petitioners though have enclosed the application form along with their petitions but selectively omitted to mention or even enclose the instructions attached to the application form. It is contended and reiterated on behalf of the Commission that the mistakes whether trivial, curable or minor are irrelevant as if such mistakes are condoned, the use of technology like OMR machine for sorting out the candidates would become meaningless.

24]. In the cited case of (2008) 1 SCC 456 (State of M.P. and others Vs. Sanjay Kumar Pathak and Others), it was held that ordinarily the writ Court should not in absence of any legal right, act on the basis of sympathy alone. While being sympathetic to the persons who come before the Courts the Courts cannot at the same time be unsympathetic to the large number of eligible persons waiting for a long time in a long queue seeking employment.

25]. In another cited case of Kishore Samrite Vs. State of Uttar Pradesh and Others, (2013) 2 SCC 398, in para 38 of the judgment, it was observed as under:-

"38. No litigant can play "hide and seek" with the courts or adopt "pick and choose". True facts ought to be disclosed as

the court knows law, but not facts. One, who, does not come with candid facts and clean breast cannot hold a writ of the court with soiled hands. Suppression or concealment of material facts is impermissible to a litigant or even as a technique of advocacy. In such cases, the court is duty-bound to discharge rule nisi and such applicant is required to be dealt with for contempt of court for abusing the process of court."

26]. The case of Charles K. Skaria and Others. State of Kerala and Anr. Vs. Dr. C. Mathew and Others. Dr. K U GopalaKrishnan and Ors., AIR 1980 SC 1231 (supra), relates to admission to a post-graduate course in medicine. The prospect provided that the attested copy of the statement of marks and other documents should be attached with every application. Three candidates were given admission who had not attached the certificate of having passed the diploma along with their applications. Their admission to post-graduate course was set aside by the High Court. The Supreme Court observed:

".....Academic excellence, through a diploma for which extra mark is granted, cannot be denuded because proof is produced only later, yet before the date of actual selection. The emphasis is on the diploma and is not an independent factor. Mode of proof is geared to the goal of the qualification in question. It is subversive of sound interpretation and realistic decoding of the prescription to telescope the two and makes both mandatory in point of time. What is essential is the possession of a diploma before the given

date; what is ancillary is the safe mode or proof of the qualification. To confuse between a fact and its proof is blurred perspicacity. To make mandatory the date of acquiring the additional qualification before the last date for application makes sense. But if it is unshakeably shown that the qualification has been acquired before the relevant date, as is the case here, to invalidate this merit factor because proof, though indubitable, was adduced a few days later but before the selection or in a manner not mentioned in the prospectus, but till above board, is to make procedure not handmade but the mistakes and form not as subservient to substance but as superior to the essence."

Above ratio was reiterated in the case of Dolly Chhanda Vs. Chairman, JEE and Others, (2005) 9SCC 779 and was thus held that actual excellence cannot be obliterated by the choice of an incontestable but unorthodox probative process. Equity shall overpower technicality where human justice is at stake.

27]. Block to the facts---In WP(C) No. 393 (AP) 2013, the candidate of petitioner No.1 to 28 were rejected on the ground that they did not sign the declaration column.

Ground for rejection of candidature of petitioner No. 29 in WP(C) 393 (AP) 2013 has not been disclosed save and except that their candidature have been rejected mechanically.

28]. In WP(C) 388 (AP) 2013 and WP(C) 400 (AP) 2013, the candidature of petitioners, Tailang Kobin and Nyamo Ete has been rejected on the ground that he failed to mention gender by darkening

the oval provided in the application form although Tailang Kobin has mentioned his gender as male by marking 1 for male in the box provided in the application form. The photo pasted in the form clearly identifies the gender of the petitioners. The application was not meant for only male or female gender. Moreover, it was curable defects and on scrutiny it could have detected what was the gender of the applicant. Therefore, the candidature of petitioner Tailang Kobin in WP(C) 388 (AP) 2013 ought not to have been rejected.

29]. In WP(C) 399 (AP) 2013, the petitioner Pakum Chiram failed to mention the birth month of the petitioner. It is contended that he had filled up day, month and year of his birth in the form but he did not darken the oval shape bubbles below. As per annexure-3 i.e. form submitted by the petitioner his date of birth was 10-02-1985 and he mentioned his age as on 1.1.2013 as 27 years 10 months 18 days. As per advertisement candidates must have attained 21 years of age and should not be more than 28 years of age on 10-03-2013. However, upper age limit is relaxable in case of APST etc. As per the form filled up, the petitioner falls under the category of APST. The petitioner has clearly mentioned the age in the form. Only he failed to darken the month column of his birth. Had there been proper scrutiny, his candidature ought not to have been rejected. It appears that for hyper technical ground the candidature of Pakum Chiram, petitioner in WP(C) 399 (AP) 2013 have been rejected.

30]. In WP(C) 413 (AP) 2013; the candidature of the petitioner, Metum Soki, was rejected on the ground that one slight mark was spotted on the application form along with the name of the petitioner.

31]. It is contended on behalf of the petitioners in all the writ petitions that the respondents/APPSC on earlier occasion had given opportunity to the candidates of competitive examination to make correction/rectification of defective applications. Moreover, in the Arunachal Pradesh Public Service Commission Rules of Procedure & conduct of Examination Guidelines 2012, wherein Column 8, it is provided that *A Screening Committee headed by Chairman/Member of Commission as Chairman with 2/3 officers and officials and (expert if necessary) will be constituted by the Commission for the scrutiny of the application forms. After scrutiny the Screening Committee will submit its report with findings to the Commission for decision on admissibility of candidates to the examination.*

32]. The issue here is to be discussed whether it is mandatory for the APPSC to follow the guidelines of Arunachal Pradesh Public Service Commission Rules of Procedure & conduct of Examination. ~~Th~~erein, admittedly, no such 'Screening Committee' was constituted for scrutiny of application forms and the application forms were mechanically rejected on the basis of reading of the OMR by machine. Therefore, there was clear violation of the Arunachal Pradesh Public Service Commission Rules of Procedure & conduct of Examination

Guidelines 2012. Further more, in the advertisement, it was not mentioned that candidature of the applicants will be rejected before the preliminary examination. The ground for rejection of application forms have been mentioned for main examination in the advertisement.

33]. It is submitted by the learned counsel for the respondents/APPSC that it is not mandatory for the APPSC to follow the guidelines of Arunachal Pradesh Public Service Commission Rules of Procedure & conduct of Examination Guidelines 2012. It is only a guideline and not any statutory enactment.

34]. In *P. Tulsi Das and Others Vs. Govt. of A.P. and Others*, reported in (2003) 1 SCC 364, the contention of the State was that the right derived and claimed by the appellants must be under any statutory enactment or rules made under Article 309 of the Constitution of India and that any other respects there could not be any acquisition of rights validly and it was held that it is by now well settled that in the absence of any rules under Article 309 of the Constitution in respect of a particular area, aspect or subject, it is permissible for the State to make provisions in exercise of its executive powers under Article 162 which is coextensive with its legislative powers laying conditions of service and rights accrued to or acquired by a citizen would be as much rights acquired under law and protected to that extend.

35]. Clause 8 of Arunachal Pradesh Public Service Commission Rules of Procedure & conduct of Examination Guidelines 2012, clearly says that there should be scrutiny of the application forms by a Screening Committee headed by Chairman/Member of Commission as Chairman with 2/3 officers and officials and (expert if necessary) will be constituted by the Commission for the scrutiny of the application forms. After scrutiny the Screening Committee will submit its report with findings to the Commission for decision on admissibility of candidates to the examination.

36]. There is no averments in the affidavit-in-opposition filed on behalf of the APPSC that any such Screening Committee was constituted for scrutiny of the application forms, although, it is mentioned in the Column 11 of the Arunachal Pradesh Public Service Commission Rules of Procedure & conduct of Examination Guidelines 2012, that no second chance for correction of form and re-submission of documents shall be given to the candidates. When there was no chance for the candidates to correct their application forms and resubmission of documents, it was obligatory on the part of the APPSC to constitute a Screening Committee for scrutiny of the application forms but the application forms here were rejected mechanically.

37]. There is no dispute that the candidature of writ petitioners in all the writ petitions have been rejected mechanically without scrutiny and for non fundamental defects which are curable. Since only 97