

State of Assam and Others

Vs

Prafulla Goswami

Civil Appeal No. 160 of 1992

(Sujata V. Manohar, D. P. Wadhwa JJ)

01.04.1998

ORDER

In view of the serious allegations made against the State of Assam regarding flouting the interim order of this Court dated 17-1-1992, we propose to take the hearing of the contempt petition first before considering the appeal of the State of Assam. As per the interim order of 17-1-1992, the State of Assam was required : (1) to prepare a correct select list of the candidates selected pursuant to the advertisement of 1986 showing the names of the candidates selected in the order of merit; (2) the State of Assam was directed to make all, further appointments until final hearing, strictly on the basis of the correct select list insofar as vacancies of 1986, 1987 and 1988 were concerned; (3) the State of Assam was also directed to fill in any further vacancies for subsequent years on the basis of the correct select list on an ad hoc basis at least till a fresh list is prepared in accordance with law. We, therefore, direct that the State of Assam shall file a correct select list showing the names of all the candidates selected under the 1986 advertisement in the order of merit. The State is further directed to indicate against the name of each selected candidate whether he has been given appointment pursuant to his selection. The State shall also indicate whether any persons on the select list who were not appointed prior to the interim order have been given appointments pursuant to the interim order of 17-1-1992, indicating the year of the vacancy against which they have been appointed. The State shall also indicate how many vacancies occurring after 1988 have been filled from out of the candidates on the select list. The State shall also indicate yearwise, after 1988, the number of vacancies occurring during each subsequent year and the number of vacancies allotted to the candidates on the select list of 1986, out of these vacancies. The State shall also set out yearwise appointments made of candidates not on the select list of 1986. The State shall also file a list of candidates on the select list of 1986 who have not been granted appointment so far. Since six years have elapsed from the date of the interim order and proper material is not forthcoming, we are constrained to give these directions. The State shall file the detailed lists as indicated above within four weeks from today. Looking to the grave charges made, the Commissioner, Secretary of Education and the Director of Elementary Education, State of Assam, to remain present on the next date of hearing, i.e., 6-5-1998 with all relevant papers.

Court Masters