

GAHC010216292026



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

Case No. : WP(C)/5666/2026

SHRI SUNIL KUMAR
SON OF LATE RAM BHAGAT SAH, RESIDENT OF VILLAGE- KIL,
POSTGARHARA, POLICE STATION- BARAUNI, DISTRICT- BEGUSARAI,
BIHAR-851126.

VERSUS

THE UNION OF INDIA AND 2 ORS.
REPRESENTED THROUGH GENERAL MANAGER, NORTHEAST FRONTIER
RAILWAY, MALIGAON, GUWAHATI, ASSAM- 781011.

2:THE CHAIRMAN
RAILWAY RECRUITMENT CELL
NORTHEAST FRONTIER RAILWAY
STATION ROAD
PAN BAZAR
GUWAHATI-781001
ASSAM.

3:GENERAL MANAGER (P)
NORTHEAST FRONTIER RAILWAY
MALIGAON
GUWAHATI- 781011
ASSA

Advocate for the Petitioner : MR D S DEKA,

Advocate for the Respondent : DY.S.G.I.,

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

13.10.2026

(S. K. Medhi, J)

Heard Shri D. S. Deka, learned counsel for the petitioner. Also heard Shri B. Chakraborty, learned CGC.

2. The instant application under Article 226 of the Constitution of India has been filed challenging an order dated 16.07.2026 passed by the learned Central Administrative Tribunal (CAT) in Miscellaneous Application No. 040/53/2026 in Original Application No. 040/381/2025 whereby the applications have been dismissed.

3. As per the facts projected, the petitioner had participated in a recruitment drive conducted by the Railway Recruitment Cell, North East Frontier Railway vide Employment Notice No. 1/2012 in Group-D category. The petitioner claims that he was issued an Admit Card and had accordingly participated in the written test held on 17.11.2013 and was successful in the same and thereafter called for Physical Efficiency Test on 05.02.2014 in which also, he was successful. In the document verification exercise held on 20.03.2014, the petitioner claims that all his documents were duly verified and medical examination was also done. The petitioner was expecting the appointment letter which however did not come and accordingly, the petitioner had made representations from time to time which were not responded to finally vide a communication dated 24.12.2024, the petitioner was informed that he was disqualified on the ground of impersonation and the same was certified by a

forensic expert.

4. The learned CAT vide the impugned judgment dated 16.07.2026 after considering the facts and circumstances and after hearing the parties has rejected the application both on merits as well as on the ground of delay.

5. Shri Deka, the learned counsel for the petitioner has submitted that the recruitment process, as such was not the subject matter of challenge and the challenge was only the aspect of his disqualification which he had come to know in the year 2024. Under such conditions, he submits that the findings arrived at by the learned CAT are untenable in law and liable to be interfered with.

6. On the other hand, Shri Chakraborty, the learned CGC has submitted that the relief claimed in the OA would show that the ultimate objective is to get an appointment pursuant to a recruitment drive initiated in the year 2012 and the findings arrived at by the learned CAT are strictly in accordance with law which will not required any interference.

7. The rival submissions have been duly considered and the materials placed before this Court have been carefully examined.

8. A bare perusal of the order dated 16.07.2026 passed by the learned CAT would show that all the relevant aspects have been taken into consideration before coming to the findings which are the subject matter of challenge. The learned CAT has taken into consideration the long and inordinate delay of the petitioner in approaching the CAT. Though Shri Deka, the learned counsel for the petitioner has submitted that the challenge is *qua* a communication dated 26.12.2024, we are of the opinion that the same would have a directly relate to the recruitment drive instituted in the year 2012 and the ultimate prayer is for securing an appointment of the petitioner after a lapse of about 14 years.

9. The jurisdiction exercise by this Court under Article 226 of the Constitution of India includes the certiorari jurisdiction wherein the scope of examination is on the decision making process and not on the merits of the decision. In the expressions used by the Hon'ble Supreme Court, it is the legality of the decision and not the soundness which is the subject matter of examination. Such examination of the decision making process would revolve around as to why the relevant factors have been taken into consideration or as to whether irrelevant and extraneous factors have been taken into consideration. In the opinion of this Court, the considerations based upon which the impugned decision has been arrived at by the learned CAT are germane and relevant. We are also of the view that the jurisdiction exercised by us being equitable in nature, the conduct of the party approaching the court of law would also be relevant. In the instant case, the approach of the petitioner is highly belated and the reliefs claimed cannot be granted.

10. We are of the opinion that the findings arrived at by the learned CAT are strictly in accordance with law and would not require any interference.

11. The writ petition accordingly stands dismissed.

JUDGE

JUDGE

Comparing Assistant