

GAHC010195742023



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

Case No. : WP(C)/5200/2023

DR. JAGADISH HANSA
SON OF SRI TIKESWAR HANSA,
PERMANENT RESIDENT OF VILL. AND P.O.- KINDIRA, SAMBALPUR,
ODISHA, PIN- 768222.

VERSUS

THE UNION OF INDIA AND 5 ORS.
REPRESENTED BY THE SECRETARY TO THE MINISTRY OF EDUCATION,
GOVERNMENT OF INDIA,
SHASTRI BHAWAN, NEW DELHI- 110011.

2:THE VICE-CHANCELLOR-CUM-CHAIRPERSON
EXECUTIVE COUNCIL
ASSAM UNIVERSITY
SILCHAR
DISTRICT- CACHAR

ASSAM
PIN- 788011.

3:THE REGISTRAR
ASSAM UNIVERSITY
SILCHAR
DISTRICT- CACHAR

ASSAM
PIN- 788011.

4:DR. PAROMITA DAS
THE LIAISON OFFICER (FOR SC
ST AND PWD)

ASSAM UNIVERSITY

ASSOCIATE PROFESSOR

DEPARTMENT OF MASS COMMUNICATION
SILCHAR

DISTRICT- CACHAR
ASSAM

PIN- 788011.

5:THE UNIVERSITY GRANT COMMISSION (UGC)
REPRESENTED BY ITS SECRETARY/ CHAIRPERSON

GOVERNMENT OF INDIA

BAHADUR SHAH ZAFAR MARG

NEW DELHI- 110002.

6:THE UNDER SECRETARY TO THE GOVT. OF INDIA
MINISTRY OF PERSONNEL
PUBLIC GRIEVANCE AND PENSIONS
DEPARTMENT OF PERSONNEL AND TRAINING

GOVERNMENT OF INDIA

NORTH BLOCK
NEW DELHI- 110011

Advocate for the Petitioner : MR D K DAS, MR B DEURI,MR C KUMAR,MR H BETALA

Advocate for the Respondent : DY.S.G.I., MS P AGARWAL (r-5),MR. K GOGOI,SC, ASSAM
UNIVERSITY,SC, U G C

Linked Case : Cont.Cas(C)/11/2024

DR. JAGADISH HANSA
S/O- TIKESWAR HANSA

PERMANENT R/O- VILLAGE AND P.O- KINDIRA

SAMBALPUR
ODISHA
PIN-768222

VERSUS

PROF RAJIVE MOHAN PANT AND ANR
PRESENTLY HOLDING THE POST OF THE VC CUM CHAIR PERSON

EXECUTIVE COUNCIL
ASSAM
UNIVERSITY
SILCHAR
DIST- CACHAR
ASSAM
PIN-788011

2:DR. PRADOSH KIRAN NATH
PRESENTLY HOLDING THE POST OF THE REGISTRAR
ASSAM UNIVERSITY
SILCHAR
DIST- CACHAR
ASSAM
PIN-788011

Advocate for : MR D K DAS
Advocate for : K JAIN (R-1
2) appearing for PROF RAJIVE MOHAN PANT AND ANR

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

27.03.2025

1. Heard Mr. H. Betala, learned counsel for the petitioner. Also heard Mr. S.C. Keyal, learned Counsel for the Assam University and Dr. P. Agarwal for the University Grant Commissioner (UGC).

2. The petitioner has put to challenge the Assam University Rolling

Advertisement No.3/2023 dated 6th July, 2023, on the ground that the reservation that is to be implemented on the basis of the judgment of the Supreme Court in the case of ***R.K. Sabharwal & Others vs. State of Punjab & Others***, reported in ***(1995) 2 SCC 745*** has not be complied.

3. The petitioner's counsel submits that the reservation that has to be implemented in terms of the Rolling Advertisement No.3/2023, requires post based reservation and not a vacancy based reservation.

4. The petitioner is a Scheduled Caste candidate, who is desirous of participating in filling up the vacant post of Assistant Professor, Bio-Technology. However, the Rolling Advertisement No.3/2023 has advertised for filling up of the post of Assistant Professor, Bio-Technology by an OBC candidate and not an SC candidate, which is a total turnaround from the resolution made in relation to Item No.13 in the 158th Meeting Minutes of the Assam University dated 14.08.2023. In the 158th Meeting Minutes of the Assam University dated 14.08.2023, it has been decided that pursuant to the order dated 14.08.2023 passed by this Court in WP(C) 7077/2019, the vacant post of Assistant Professor, Bio-Technology would be filled by a SC candidate. However, the same is now sought to be done by a OBC candidate.

5. The petitioner's counsel submits that the Assam University would have show the post based Roster Point that has been made by the University, for coming to a decision that the post of Assistant Professor, Bio-Technology is to be filled up by a OBC candidate, in terms of the Rolling Advertisement No.3/2023,

which is at variance with resolution made in relation to Item No.13 in the 158th Meeting Minutes of the Assam University dated 14.08.2023, wherein the said post was to be filled up by an SC candidate.

6. Mr. S.C. Keyal, learned counsel for the Assam University submits that he will produce the post based Roster tomorrow, i.e. 28.03.2025.

7. Dr. P. Agarwal, learned counsel for the UGC submits that in terms of the Implementation of Central Educational Institutions (Reservation in Teachers' Cadre) Act, 2019 (hereinafter referred to as the "2019 Act"), Section 3(2) provides that for the purpose of reservation of a post, a Central Education Institution is to be regarded as one Unit and that in terms of Section 2(l), the "Teachers' Cadre" means a class of all the teachers of a Central Educational Institution, regardless of the branch of study or faculty, who are remunerated at the same grade of pay, excluding any allowance or bonus. She also submits that post based Roster has to be followed by the University for filling up the vacant post of Assistant Professor.

8. List these matters on 28.03.2025.

JUDGE

Comparing Assistant