

GAHC010002822024



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

Case No. : 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-78801

Advocate for the Petitioner : MR D K DAS,

Advocate for the Respondent : K JAIN (R-1,2), MR. S C KEYAL(R-1,2)

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 25.02.2026

Heard Mr. H Betala, learned counsel for the petitioner. Also heard Mr. S.C Keyal, learned counsel appearing for respondent no. 1 & 2.

2. The present Contempt petition has been instituted alleging violation of the directions passed by this Court vide order dated 14.06.2023 in WP(C) No. 7077/2019 as well as order dated 12.09.2023 passed in WP(C) No. 5200/2023.

3. The challenge in WP(C) No. 7077/2019 was to the 3 (Three) advertisements dated 06.08.2019, 07.08.2019 and 08.08.2019 putting up for recruitment, a number of posts in the University. This Court, vide order dated 14.06.2023, on examining the issues arising in the matter, proceeded to set-aside the 3 (Three) advertisements and basing on the undertakings given by the learned standing counsel for the University that the reservation points in the roster have already been identified and prepared, proceeded to direct for initiation of a fresh recruitment process. It is seen that, thereafter, the respondent University had issued a Rolling Advertisement no. 03/2023 dated 06.07.2023. The same was put to challenge by the petitioner by instituting WP(C) No. 5200/2023. The prayers, made in the WP(C) No. 5200/2023, is found to have been so made qua the reservation applied to various posts so advertised vide the said advertisement dated 06.07.2023. It is to be noted that the petitioner was an aspirant for the post of Assistant Professor, Biotechnology and he belongs to the Scheduled Caste Community. Grievance of the petitioner was to the extent of the Post of Assistant Professor, Biotechnology, being reserved for OBC candidate, whereas, the same was to be reserved for SC Community candidate.

This Court also finds that in the said Writ Petition, at annexure 23, the minutes of the 158th meeting of the Executive Council of the Assam

University, Silchar, was also brought on record, wherein, under Agenda item no. 13, the reservation points earmarked to various posts, in pursuance to the order dated 14.06.2023 passed by this Court in WP(C) No. 7077/2019, was approved by the Executive Council. It is to be noted that the post of Assistant Professor, Biotechnology, was reserved for SC community candidates. Accordingly, the post having been reserved for SC Community candidate, the grievance of the petitioner is found to have been redressed. It is seen that in pursuance to the said decision of the Executive Council, a fresh advertisement dated 09.10.2023, came to be issued. This Court, thereafter, took up WP(C) No. 5200/2023 for final consideration and vide order dated 28.03.2025, the advertisement dated 06.07.2023 was set-aside.

4. Thereafter, the petitioner has instituted this Petition alleging that the Executive Council of the Assam University, in its 163rd meeting held on 21.12.2023, had approved the selection and appointment of faculty against employment notification no. 5/2023 dated 09.10.2023, including the post of Assistant Professor, Biotechnology, which was so reserved for candidates belonging to the SC community. By projecting that the decision as taken by the Executive Council in its meeting held on 21.12.2023, to have been arrived at, in violation of directions passed by this Court vide order dated 14.06.2023 passed in WP(C) No. 7077/2019 and vide order dated 12.09.2023 in WP(C) No. 5200/2023, the present contempt petition has been instituted.

5. This Court has perused the materials brought on record and also the contentions, raised by the respondents, in the affidavit so filed. This Court finds that the advertisement dated 06.07.2023 was not implemented in the University and no recruitment, in pursuance, thereof, was so made. The recruitment so made, was made in terms of the employment notification no. 5/2023 dated 09.10.2023. This Court also finds the advertisement dated 09.10.2023 was not put to challenge in the proceedings of WP(C) No. 5200/2023. Further, the post of Assistant Professor, Biotechnology was

already reserved for SC Community candidate.

6. Accordingly, this Court is of the considered view that the decision as arrived at, by the Executive Council of Assam University in its meeting held on 21.12.2023 approving the selections made in pursuance to the advertisement dated 09.10.2023, in no way can be held to be in violation of the orders dated 14.06.2023 passed by this Court in WP(C) No. 7077/2019 as well as the order dated 12.09.2023 passed in WP(C) No. 5200/2023. It is again reiterated that the said orders have been so passed qua advertisements dated 06.08.2017, 07.08.2019, 06.08.2019 and 06.07.2023.

7. In view of the above conclusion, this Court is of the considered view that there is no violation of the directions passed by this Court, vide the above noted orders, and accordingly, the present contempt petition would not mandate an adjudication any further.

8. Accordingly, the present contempt petition stands closed.

JUDGE

Comparing Assistant