

GAHC010011312023



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

Case No. : WP(C)/292/2023

SMITA BARUA DEKA
W/O. SRI MOON DEKA, R/O. VILL. BETONIJHAR, GOROIMARI, TEZPUR,
DIST. SONITPUR, ASSAM, PIN-784104.

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REP. BY THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM,
EDUCATION (HIGHER) DEPT., DISPUR, GUWAHATI-781006.

2:THE DIRECTOR HIGHER EDUCATION

ASSAM
KAHILIPARA
GUWAHATI-781019.

3:THE GOVERNING BODY OF TEZPUR LAW COLLEGE

TEZPUR
REP. BY ITS PRESIDENT TEZPUR
DIST. SONITPUR
ASSAM
PIN-784001.

4:THE GUWAHATI UNIVERSITY

REP. BY ITS REGISTRAR
GUWAHATI UNIVERSITY
GUWAHATI
KAMRUP (M)
ASSAM.

5:SRI JOY SHANKAR HAZARIKA

PRESIDENT GOVERNING BODY OF TEZPUR LAW COLLEGE
TEZPUR.

6:DR. RUBI DUTTA

ASSTT. PROFESSOR
TEZPUR LAW COLLEGE
TEZPUR
DIST. SONITPUR
ASSAM

Advocate for the Petitioner : MR D K DAS

Advocate for the Respondent : SC, EDU

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

19.01.2023

Heard Mr. D. K. Das, learned counsel for the petitioner. Also heard Mr. S. Bhuyan, learned Standing Counsel for the Higher Education Department, Government of Assam, representing the respondent Nos. 1 and 2, and Mr. P. J. Phukan, learned Standing Counsel for the Gauhati University, representing the respondent No. 4.

The present writ petition is filed assailing the appointment of respondent No. 6 as the Secretary to the Governing Body of the Tezpur Law College on the ground that the said respondent No. 6 doesnot have requisite qualification including financial knowledge. The further ground of challenge is that the appointment has been made in derogation of Gauhati University Ordinance on Permission and Affiliation of Law College, 1998 & 2006 under the Gauhati

University Act, 1947.

Issue notice returnable on 28.02.2023.

Issue notice on interim prayer returnable also on 28.02.2023.

As the respondent Nos. 1, 2 and 4 are duly represented by their respective counsels, no formal notice need be issued. However, extra copies be furnished to the learned counsel for the respondent Nos. 1, 2 and 4.

The petitioner to take steps for issuance of notice upon the remaining respondents both by way of registered post with A/D as well as by usual process within a period of seven days from today.

The petitioner is also permitted to take steps through dasti, however same should be routed through the Registry of this Court and the petitioner shall file an affidavit in proof of such service.

It is needless to say that the impugned resolution dated 21.11.2022 shall be subject to outcome of this writ petition.

JUDGE

Comparing Assistant