

GAHC010013372018



2026:GAU-AS:12164

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

Case No. : WP(C)/532/2018

ISWAN JYOTI GOGOI
S/O MITRA KUMAR GOGOI, R/O WARD NO. 1, KATHABARI GAON, PO AND
PS DHAKUAKHANA

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF HIGHER EDUCATION, DISPUR, GUWAHATI-6

2:THE DIRECTOR OF HIGHER EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19

3:THE SELECTION COMMITTEE
TO THE THE POST OF ASSISTANT PROFESSOR IN ASSAMESE
DEPARTMENT
UJANI MAJULI KHERKATA COLLEGE
REP. BY THE PRESIDENT OF GOVERNING BODY
UJANI MAJULI KHERKATA COLLEGE
PO- RATANPUR MIRI
MAJULI

4:THE GOVERNING BODY
OF UJANI MAJULI KHERKATA COLLEGE
REP. BY ITS PRESIDENT
PO- RATANPUR MIRI
MAJULI

5:THE PRINCIPAL
UJANI MAJULI KHERKATA COLLEGE

PO RATANPUR MIRI
MAJULI

6:DIMBAJYOTI BORUAH
S/O DULAL CHANDRA BORUAH
R/O BEBEZIA MAJ GAON
PO MORNOI BEBEZIA
PS GHILAMAR

Advocate for the Petitioner : MR. B C DAS, MR. U DUTTA

Advocate for the Respondent : SC, EDU, MR. B GOGOI (R 6),MR. K R PATGIRI (R 6),MR. D GOGOI (R 3, 4 & 5),MR. S M RAHMAN (R 3, 4 & 5)

BEFORE
HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR
ORDER

25/08/2026

Heard Mr. U Dutta, learned counsel for the petitioner. Also heard Mr. A R Tahbildar, learned Standing counsel, Higher Education Department, appearing for the respondent Nos. 1 to 5 and Mr. K R Patgiri, learned counsel for the respondent No. 6.

2. Mr. Dutta, learned counsel for the petitioner, at the outset, has submitted that he would not make any submissions in the matter in absence of instructions from his client.

3. The present writ petition has been instituted by the petitioner, herein, assailing the selection and appointment of the respondent No. 6, as an Assistant Professor in the Department of Assamese in Ujani Majuli Kherkata College.

4. As projected in the writ petition, in pursuance to an advertisement dated 31.01.2016, issued by the Principal, Ujani Majuli Kherkata College, inviting applications for recruitment against a sanctioned post of Assistant Professor in the Department of

Assamese, the petitioner, along with the respondent No. 6 and others, had submitted their respective applications.

In pursuance to the selection process involved, the Selection Committee had recommended the name of the respondent No. 6. Such recommendation made by the Selection Committee was, thereafter, approved by the Governing Body and the matter was forwarded to the Director of Higher Education, Assam, for approval and issuance of necessary order of appointment.

The petitioner, herein, having found anomalies with regard to the Experience Certificates produced by the respondent No. 6, herein, had approached this Court by way of instituting a writ petition, being WP(C) No. 1671/2017, assailing the selection of the respondent No. 6, herein.

This Court vide order dated 22.03.2017, had disposed of the said writ petition, by directing the Director of Higher Education, Assam, to take a final decision, being the Appointing Authority. The Director of Higher Education, Assam, in terms of the directions passed by this Court, proceeded vide a Speaking Order dated 09.05.2017, to remand back the matter to the college authorities for a verification of the Teaching Experience Certificates produced by the respondent No. 6. Accordingly, for the said purpose, the approval to the selection of the respondent No. 6, was kept withheld. The matter, thereafter, was again placed before the Selection Committee of the college and the Selection Committee in its meeting held on 09.06.2017, on verification of the Experience Certificates, produced by the respondent No. 6, proceeded to reiterate the recommendation made by it in favour of the respondent No. 6, for appointment against the advertised post. Thereafter, the Governing Body of the college in its meeting held on 21.06.2017, accepted the decision of the Selection Committee as arrived at in its meeting held on 09.06.2017. The matter was then placed before the Director of Higher Education, Assam. The Director of Higher Education, Assam, on a verification of the particulars of the respondent No. 6, proceeded vide order dated

02.11.2017, to appoint the respondent No. 6 as an Assistant Professor in the Department of Assamese, in terms of his selection for the purpose.

Being aggrieved, the petitioner has instituted the present writ petition.

5. Mr. A R Tahbildar, learned Standing counsel, Higher Education Department, submits that the ground of challenge to the selection and appointment of the respondent No. 6, has not been established by the petitioner. It is submitted that the Experience Certificates produced by the respondent No. 6 were examined by the Selection Committee and only, thereafter, marks basing thereon, came to be awarded to the respondent No. 6 under the heading "Experience". The learned Standing counsel further submits that in absence of any cogent material being brought on record by the petitioner with regard to the validity of the Experience Certificates produced by the respondent No. 6, the selection and appointment of the respondent No. 6, would not be permissible to be interfered with basing on vague allegations.

6. Mr. K R Patgiri, learned counsel for the respondent No. 6 has submitted that the projections made by the petitioner that the certificates produced by him with regard to his experience from J.D.S.G. College, Bokakhat and Lakhimpur Kendriya Mahavidyalaya to be forged, is clearly perverse, inasmuch as, the said certificates were so issued by the Competent Authorities of the said colleges and the same had demonstrated that the petitioner had served therein, as a Lecturer albeit in a temporary capacity.

6.1 Mr. Patgiri, learned counsel for the respondent No. 6, has submitted that while, the petitioner had made the said allegations, he has not brought on record any concrete materials to demonstrate that the certificates, more particularly, the certificate issued by the Principal of Lakhimpur Kendriya Mahavidyalaya was a fake/forged one. He submits that the petitioner, while instituting the present writ petition, having raised a grievance with regard to the Experience Certificate issued by

the Principal, Lakhimpur Kendriya Mahavidyalaya, had not impleaded the said authority as a respondent in the present writ petition. Accordingly, he submits that basing on the said allegation leveled by the petitioner, the selection and appointment of the respondent No. 6, would not mandate an interference from this Court.

7. I have heard the learned counsel for the parties and also perused the materials available on record.

8. In terms of the selection held in pursuance to the advertisement dated 31.01.2016 for the post of Assistant Professor in the Department of Assamese in Ujani Majuli Kherkata College , it is found that the petitioner, herein, had secured 66.34 marks, while the respondent No. 6 had secured 66.67 marks. The challenge to the selection of the respondent No. 6, by the petitioner is found to be based on the ground that the respondent No. 6 did not have the requisite experience as a Lecturer for being awarded marks in the said selection process under the heading "Experience".

9. In this connection, the petitioner has raised a question with regard to the Experience Certificate dated 05.01.2010, issued by the Principal of Lakhimpur Kendriya Mahavidyalaya. The petitioner had further projected the said certificate to be a fake/forged one.

10. This Court finds that the said certificate submitted by the respondent No. 6, was duly considered by the Selection Committee in its initial meeting held towards selecting the respondent No. 6 against the post of Lecturer in the Department of Assamese and the said certificate was again specifically considered by the Selection Committee, in its subsequent meeting held on 09.06.2017. The said certificate on an examination, was accepted by the said Selection Committee. Accordingly, the issue raised by the petitioner in the present writ petition of the said certificate being a fake/forged one, would not mandate a consideration by this Court in absence of any further cogent material brought on record to justify such allegation leveled by the

petitioner in the matter.

11. The petitioner further has not impleaded the Principal, Lakhimpur Kendriya Mahavidyalaya, as a party respondent in the present proceedings. The petitioner has only relied upon an RTI reply, received from the authorities of Lakhimpur Kendriya Mahavidyalaya, wherein, it was projected that certain records were not available. The projection as made in the RTI reply by itself does not go to reveal that the certificate relied upon by the respondent No. 6, issued by the Principal of Lakhimpur Kendriya Mahavidyalaya to be a forged one.

12. In view of the above conclusions reached by this Court, this Court is of the considered view that the challenge presented by the petitioner, herein, to the selection and appointment of the respondent No. 6, would not mandate an acceptance and accordingly, the same stands rejected.

13. Accordingly, the present writ petition is held to be devoid of any merit and consequently, the same stands dismissed. However, there would be no order as to cost.

JUDGE

Comparing Assistant