

GAHC010019102024



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

Case No. : WP(C)/479/2024

DR DILIP DAS
S/O- LATE GOLAP RAM DAS,
R/O- VILLAGE MADHUOPUR, COLLEGE NAGAR,
DIST- KAMRUP, PIN-781031, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE THE COMMISSIONER AND SECRETARY, TO THE HIGHER
EDUCATION DEPARTMENT
DISPUR, GUWAHATI- 781006.

2:THE DIRECTOR OF HIGHER EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 781019.

3:THE ENQUIRY COMMITTEE
REP. BY ENQUIRY OFFICER JOY RAM HAZARIKA
DEPUTY DIRECTOR
HIGHER EDUCATION DEPARTMENT
KAHILIPARA
GUWAHATI-19

4:DR. KUKIL KR. BORAH
PRESIDENT. GOVERNING BODY
NORTH GAUHATI COLLEGE
NORTH GAUHATI
KAMRUUP
PIN-781031

5:DR. TAIJUDDIN AHMED
ASOCIATE PROFESSOR
NORTH GAUHATI COLLEGE

NORTH GAUHATI
KAMRUUP
PIN-78103

Advocate for the Petitioner : MR. M K CHOUDHURY

Advocate for the Respondent : SC, HIGHER EDU

BEFORE
HON'BLE MR. JUSTICE KARDAK ETE
O R D E R

07.02.2024.

Heard Mr. M.K. Choudhury, learned Senior Counsel assisted by Mr. J. Payeng, learned counsel for the petitioner. Also heard Mr. A.R. Tahbildar, learned Standing Counsel, Higher Education Department appearing for the respondent Nos.1, 2 & 3.

(2) The challenge made in this Writ Petition is the initiation of the enquiry against the petitioner, alleging misappropriation of the college fund. The petitioner has prayed for setting aside the various orders issued by the Respondent authorities, while initiating the enquiry proceedings against him and also for a direction to the respondent authorities to furnish the documents which have been taken away at the alleged instance of the respondent No.4/the President of the Governing Body of the College.

(3) It is contended that the petitioner, without the documents, which he has sought for, is unable to give effective reply to the show cause notice issued vide dated 06.01.2024 and to that effect he has filed representations on 12.01.2024 and 24.01.2024.

(4) It is noticed that the petitioner has sought for return of the documents

which have been taken away at the alleged instance of the respondent No.4, vide his letter dated 09.09.2023, addressed to the Director of Higher Education Department, Assam.

(5) Issue notice returnable in four (4) weeks.

(6) Since Mr. A.R. Tahbildar, learned Standing Counsel, Higher Education Department appears for the respondent Nos.1, 2 & 3, no formal notice need to be served. However, requisite extra copies be furnished to the learned Standing Counsel.

(7) Petitioner to take steps for service of notice upon the respondent Nos.4 & 5, by Registered post with A/D, within three (3) days from today.

(8) Having considered the submission of learned counsel for the parties and the materials enclosed to the Writ Petition, till the returnable date, the respondent authorities are directed not to proceed with the further proceedings against the petitioner pursuant to the show cause notice dated 06.01.2024.

(9) Considering the facts and circumstances of the present case, it is observed that pendency of the Writ Petition shall not be a bar to the respondent authorities to furnish the documents to the Writ Petitioner, as sought for.

(10) List the matter after four weeks.

JUDGE

Comparing Assistant