

GAHC010023362023



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

Case No. : WP(C)/609/2023

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

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
EDUCATION (HIGHER) DEPTT., 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 REGISTER
GUWAHATI UNIVERSITY
GUWAHATI
KAMRUP (M)
ASSAM.

5:JOY SHANKAR HAZARIKA
PRESIDENT

GOVERNING BODY OF TEZPUR LAW COLLEGE
TEZPUR
SONITPUR
ASSAM.

6:DULUMONI NATH
SENIOR FACULTY MEMBER TEZPUR LAW COLLEGE
TEZPUR

Advocate for the Petitioner : MR D K DAS

Advocate for the Respondent : SC, HIGHER EDU

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 06.02.2023

Heard Mr. D.K. Das, the learned counsel appearing on behalf of the petitioner and Mr. U.K. Nair, the learned senior counsel assisted by Ms. D. Mahanta appearing on behalf of the respondent No. 3. Mr. D. Upamanyu, the learned counsel appears on behalf of the respondent Nos. 1 and 2 and Mr. P.J. Phukan, learned standing counsel appears on behalf of the respondent No.4 and Ms. S. Sarma, the learned counsel appears on behalf of the respondent No. 5.

Mr. D.K. Das, the learned counsel appearing on behalf of the petitioner submitted that the name of the respondent No. 6 may be struck off taking into account the cause of action involved in the instant proceedings. In that view of the matter, the name of the respondent No. 6 is struck off. The Registry shall do the needful.

Issue notice returnable on 14th of February, 2023.

As the respondents are duly represented by their respective counsels, extra copies of the writ petition be served upon them during the course of the day.

The petitioner herein has assailed the order dated 31/1/2023 issued by the respondent No. 5 on the ground it being actuated by malice in fact.

Let this matter be listed again on 14/2/2023 for final disposal, on which date, the respondent no. 3 is directed to produce the records.

The respondent No. 5, who is the President of the Governing Body of the Tezpur Law College and has been arrayed in person is directed to file his affidavit on or before the next date.

It is made clear that if on the next date, this Court is not in a position to finally dispose off the matter, this Court would consider the interim prayer made in the writ petition.

Liberty is further given to the petitioner to make a mention for upgrading the matter.

JUDGE

Comparing Assistant