

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

Advocate for the Petitioner : MR D K DAS

Advocate for the Respondent : SC, HIGHER EDU

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH

02.05.2023

Heard Mr. D. K. Das, the learned counsel for the petitioner and Mr. U. K. Nair, the learned senior counsel assisted by Mr. N. Newme, the learned counsel appealing on behalf of the respondent No.3. Also heard Mr. D. Upamanyu, the learned counsel appearing on behalf of the Higher Education Department as well as Ms. S. Sarma, the learned counsel appearing on behalf of the respondent No.5.

2. Mr. U. K. Nair, the learned senior counsel submits that on 28.03.2023, the respondent No.3 had issued a show cause notice to the petitioner and the petitioner had also duly submitted the reply. The Governing Body of the respondent No.3 would be taking up the said reply of the petitioner to consider as to whether any enquiry is called for in the present facts which would be taken up for consideration on 04.05.2023. The learned senior counsel submits that let the matter be listed on 09.05.2023 on which date the learned senior counsel may be able to apprise this Court about the further development in the matter.

3. On the other hand, Mr. D. K. Das, the learned counsel appearing on behalf of the petitioner submits that the issue involved herein is the case of malice of law as well as malice in facts, and as such, the instant writ petition be taken up for consideration de-hors any decision to be taken by the Governing Body. He further submits that the matter can be taken up again on 09.05.2023 on which date the matter needs to be urgently disposed of taking into account the petitioner has been put under suspension since January, 2023.

4. Taking into account the same, this Court finds that as the matter is presently being considered by the Governing Body, on 04.05.2023, in the interest of justice the matter is adjourned till 09.05.2023.

5. It is however made clear that if the decision so arrived at by the Governing Body of the respondent No.3 is not in favour of the petitioner, this Court would take up the matter for final consideration on that day itself.

6. Liberty is given to the petitioner to mention the matter for upgrading.

JUDGE

Comparing Assistant