

GAHC010026982023



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

Case No. : WP(C)/794/2023

HAM AK COLLEGE OF HIGHER EDUCATION
PACHIM KAWAIMARI, DHING ROAD, P.O. HAIBARGAON, DIST.- NAGAON,
PIN- 782002, REP. BY ITS DIRECTOR INAMUL HASAN, AGED ABOUT 37
YEARS, S/O- ABDUL MOZID, VILL AND P.O. HATIZUZUA, DIST.- NAGAON,
ASSAM, PIN- 782122

VERSUS

THE STATE OF ASSAM AND 2 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, ELEMENTARY
EDUCATION DEPTT., DISPUR, GHY-06

2:THE REGISTRAR
GAUHATI UNIVERSITY
GOPINATH BORDOLOI NAGAR
GUWAHATI-14
ASSAM
KAMRUP (M)

3:THE DIRECTOR OF STATE COUNCIL OF EDUCATION RESEARCH AND
TRAINING (SCERT)
ASSAM
KAHILIPARA
GHY-1

Advocate for the Petitioner : MR. P MAHANTA

Advocate for the Respondent : SC, ELEM. EDU

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

27/03/2023

Heard Mr. P Mahanta, learned counsel for the petitioner. Also heard Mr. S M T Chistie, learned Standing counsel, Department of School Education for the respondent Nos. 1 & 3 and Mr. P J Phukan, learned Sanding counsel, Gauhati University for the respondent No. 2.

Matter relates to necessary approval and recognition from the Gauhati University for 4 (four) years integrated B.A.B.Ed. Programme and 4 (four) years integrated B.Sc.B.Ed. Programme in the petitioner's college for obtaining No Objection Certificate from the National Council for Teachers' Education.

It is stated that pursuant to the letter of the Registrar, Gauhati University dated 28.12.2020, the petitioner college on 08.02.2022 deposited an amount of Rs.4,84,000/- vide reference No. DUI5009092 dated 08.02.2022. Though, the respondent Gauhati University on 28.12.2020 allowed only 7 days' time to deposit the said amount, the petitioner college did not place anything as to when the respondent Gauhati University extended the said period of 7 days imposed on 28.12.2020 up to 08.02.2022.

It is also seen that the respondent Gauhati University by communication dated 18.08.2022 constituted two committees for joint inspection of opening integrated B.A.B.Ed. and B.Sc.B.Ed. courses in the petitioner's college.

For proper adjudication of this case, (i) the Secretary to the Govt. of Assam in the Higher Education Department of Assam, (ii) the Director of Higher Education, Assam, Kahilipara, Ghy-781019 and (iii) the National Council for Teachers' Education represented by its Chairman be impleaded as party respondent Nos. 4, 5 & 6, respectively, in the present proceeding.

Registry shall correct the cause title accordingly.

As Mr. S Das, learned Standing counsel, Higher Education Department and Mr. I Alam, learned Standing counsel, NCTE have accepted notice on behalf of the newly impleaded respondent Nos. 4 & 5 and 6 respectively, no formal notice need to be issued to those respondents.

Petitioner shall serve requisite extra copies of this writ petition along with the Annexures appended thereto to Mr. S Das, learned Standing counsel, Higher Education Department and Mr. I Alam, learned Standing counsel, NCTE within 2 (two) days from today, obtaining necessary acknowledgment from them in that regard.

The respondents shall file their respective affidavits in the matter on or before 28.04.2023, by serving copies of their respective affidavits on the counsel for the petitioner.

List this matter on **04.05.2023**.

Registry shall reflect the names of the Standing counsel, SCERT, Assam for the respondent No. 3; the Standing counsel, Higher Education Department for the newly impleaded respondent Nos. 4 & 5 and the Standing counsel, NCTE for the newly impleaded respondent No. 6 in the cause list under the respondent column against this item.

JUDGE

Comparing Assistant