

GAHC010032462020



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

Case No. : WP(C) 938/2020

1:ANUPAM DAS AND 4 ORS.

S/O- TRIDIP RANJAN DAS, R/O- ARYA NAGAR, P.O. GOPINATH NAGAR,
DIST.- KAMRUP, ASSAM, PIN- 781016.

2: SAMARJIT DAS

S/O- SARAL KUMAR DAS

R/O- CHAPAR

P.O. CHAPAR

DIST- DHUBRI

ASSAM

PIN- 783371.

3: ATOWAR UL ISLAM

S/O- ABDUL MOMIN SK.

R/O- EIDGAH PATH

HOUSE NO. 12

P.O. DISPUR

SARUMOTORIA

DIST.- KAMRUP

ASSAM

PIN- 781006.

4: NABANITA DAS

D/O- LT. DIPAK KR. DAS

R/O- HOUSE NO. 16

SARVODAYA PATH

ABC

DIST.- KAMRUP

ASSAM

PIN- 781005.

5: BISWAJIT DAS

S/O- DHIREN DAS

R/O- PASCHIM BORAGAON

BAMUNPARA
DIST.- KAMRUP
ASSAM
PIN- 781035

VERSUS

1:THE STATE OF ASSAM AND 8 ORS.
REP. BY THE COMM. AND SECY., GOVT. OF ASSAM, HIGHER EDUCATION
DEPTT., DISPUR, GHY.- 06, ASSAM.

2:THE DY. SECY.
GOVT. OF ASSAM
HIGHER EDUCATION DEPTT.
DISPUR
GHY.- 06.

3:THE DIRECTOR
HIGHER EDUCATION DEPTT.
KAHILIPARA
GHY.-19.

4:THE VICE-CHANCELLOR
COTTON UNIVERSITY
PANBAZAR
GHY.- 781001.

5:THE REGISTRAR
COTTON UNIVERSITY
PANBAZAR
GHY.-01.

6:COTTON UNIVERSITY
PANBAZAR
GHY.-01
REP. BY THE REGISTRAR.

7:HIMANISH SHEKHAR DAS
S/O NOT KNOWN
R/O- HOUSE NO. 14D
ROY NAGAR
DIST.- KARIMGANJ
ASSAM.

8:PRAKASH CHAUHAN
ASSTT. PROFESSOR
COMPUTER SCIENCE AND I.T. DEPTT.
COTTON UNIVERSITY

GHY.-01
DIST. KAMRUP(M)
ASSAM.

9:KANGKANA BORA
ASSTT. PROFESSOR
COMPUTER SCIENCE AND I.T. DEPTT.
COTTON UNIVERSITY
GHY.-01
DIST.- KAMRUP(M)
ASSAM

Advocate for the Petitioner : MR. K N CHOUDHURY

Advocate for the Respondent : SC, HIGHER EDU

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 28-04-2020

Heard Mr. K.N. Choudhury, learned Senior counsel for the petitioners assisted by Mr. S. Das, learned counsel for the petitioner. Also heard Mr. P.D. Nair, learned counsel for the respondents No.4, 5 and 6 and Mr. J. Roy, learned counsel for the respondents No.7, 8 and 9. None appears on call for the Higher Education Department.

On the prayer made by the learned Senior counsel for the petitioners, liberty is granted to the petitioners to file an application for payment of salary on the ground that the stand taken by the Cotton University as recorded in the order dated 13.02.2020 is not the correct position as the burden of salary of the petitioners would not be on the students as there are surplus funds.

Mr. P.D. Nair as well as Mr. J. Roy, learned counsel for the respondents submits that due to statewide lockdown, they have not been able to file their respective affidavit-in-opposition. The said submission is taken note of. Time to file affidavit-in-opposition is extended till a week after expiry of lockdown period.

List the matter on 30.04.2020.

JUDGE

Comparing Assistant