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

Case No. : WP(C)/1324/2026

SRI DILIP DAS
S/O LATE MUKUNDA DAS, R/O VILLAGE- DHARAPUR, P.O.- DHARAPUR,
P.S.- AZARA, DISTRICT- KAMRUPM, GUWAHATI, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, EDUCATION (HIGHER) DEPARTMENT, DISPUR,
GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
HIGHER EDUCATION DEPARTMENT
DISPUR
GUWAHATI-06.

3:THE DIRECTOR
HIGHER EDUCATION DEPARTMENT
KAHILIPARA
GUWAHATI-19.

4:THE DEPARTMENT OF FINANCE
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
DISPUR
GUWAHATI-06.

5:THE GOVERNING BODY OF PASCHIM GUWAHATI MAHAVIDYALAYA

DHARAPUR
REPRESENTED BY THE SECRETARY

6:THE PRINCIPAL
PASCHIM GUWAHATI MAHAVIDYALAYA
DHARAPUR
KAMRUP(M)
GUWAHAT

Advocate for the Petitioner : MR. S K GOSWAMI, MS P SARMA,MR. R SHARMA,MR. SHYAM SHARMA

Advocate for the Respondent : SC, HIGHER EDU, SC, FINANCE

BEFORE
HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR
ORDER

09/03/2026

Heard Mr. S K Goswami, learned counsel for the petitioner and Mr. S Das, learned Standing counsel, Higher Education Department.

2. The petitioner in the present writ petition has raised a grievance with regard to non-consideration of his case for promotion to the post of Junior Assistant in Paschim Guwahati Mahavidyalaya in spite of the fact that there exist three vacant posts of Junior Assistant, as on date.

3. It is projected by the petitioner that the manner of recruitment to the post of Junior Assistant is provided under the provisions of the Assam College Employees (Provincialisation) Rules, 2010, more particularly, Rule 5(5) thereof.

4. In terms of the provisions of Rule 5(5) of the said Rules of 2010, the post of Lower Division Assistant (Junior Assistant)/Laboratory Assistant/Library Assistant is to be filled up by direct recruitment and by promotion from the cadres of Laboratory Bearers/Library Bearers/Grade-IV employees having the requisite qualification in the ratio of 75:25.

5. It is also projected that the cadre of Grade-III in the college consists of 4 (four) posts

and 3 (three) of the said posts are presently lying vacant, while the 4th post is being meant by an employee, who had joined the post on provincialisation of his services along with the services of other employees of the college. Accordingly, it is submitted that one post out of the 3 (three) vacant posts is to be filled up by way of promotion. It is also projected that consideration for promotion is a fundamental right of an employee and the same cannot be permitted to be violated.

6. In view of the above position, the Director of Higher Education Department shall apprise this Court as to why the college authorities have not proceeded to hold the meeting of the departmental promotion committee for consideration of the cases of the Laboratory Bearers/Library Bearers/Grade-IV employees of the college for promotion against the posts of Junior Assistant available in the college. Such instructions be placed after receiving requisite clarifications from the authorities of the Paschim Guwahati Mahavidyalaya.

7. Registry to list this matter again on **23.03.2026**.

8. It is further provided that in the event 1 (one) of the 3 (three) vacant posts is found to be required to be filled up by way of promotion from the eligible incumbents in the cadres of Laboratory Bearers/Library Bearers/Grade-IV employees, the pendency of the present writ petition shall not be a bar for the respondent authorities to process the matter and take the same to its logical conclusion.

JUDGE

Comparing Assistant