

GAHC010090942025



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

Case No. : WP(C)/2285/2025

DR RAJIB DAS
S/O MANOJ KUMAR DAS ASSISTANT PROFESSOR DEPTT OF COMPUTER
SCIENCE AND APPLICATION KARIMGANJ COLLEGE DIST KARIMGANG
R/O RED CROSS ROAD OPPOSITE TO DIST LIBRARY PO AND DIST
KARIMGANJ ASSAM PIN 788710

VERSUS

THE STATE OF ASSAM AND ORS
REP BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
DEPTT OF HIGHER EDUCATION DISPUR GUWAHATI ASSAM PIN 781006

2:THE DIRECTOR OF HIGHER EDUCATION ASSAM
KAHILIPARA GUWAHATI ASSAM PIN 781019

3:THE PRINCIPAL KARIMGANJ COLLEGE
DIST KARIMGANJ ASSAM PIN 788710

4:THE PRESIDENT GOVERNING BODY
KARIMGANJ COLLEGE DIST KARIMGANJ ASSAM PIN 788710

5:DR SUDIP SUKLABAIDYA
ASSISTANT PROFESSOR KARIMGANJA COLLEGE SRIBHUMI ASSAM PIN
788710

6:DR ANANYA ROY
ASSISTANT PROFESSOR KARIMGANJ COLLEGE SRIBHUMI ASSAM PIN
78871

Advocate for the Petitioner : MR. B PURKAYASTHA, J.P. BARUAH

Advocate for the Respondent : SC, HIGHER EDU,

**BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR
ORDER**

Date : 02.05.2025

Heard Mr. B. Purkayastha, learned counsel for the petitioner.

It is the case of the petitioner that the Office Memorandum, dated 5th July, 2012 issued by the Commissioner & Secretary to the Government of Assam, Higher Education Department, provides the guidelines for adopting Rotation in Headship of Provincialised Colleges of Assam. By the said O.M., a Committee is also constituted to ensure that the College authority shall discharge its function towards implementation of Rotation in Headship amongst the different disciplines of Colleges and look after the other allied matters. Clause 3 of the O.M. dated 05.07.2012 provides that the Headship will be for a period of 3 (three) years and it will be rotated at a regular interval of 3 (three) years by the College Authority and on expiry of 3 (three) year term of a HoD, the next senior most Associate Professor in the Department shall be the HoD of the concerned Department. It is also provided that there will be no rotation amongst the Assistant Professors of the Department automatically and if in a college only Assistant Professors are available in a Department, or there are only one to two Assistant Professors, the Governing Body of the College will appoint from the eligible candidates i.e. Assistant Professors as HoD of that Department. It is the further case of the petitioner that by an order issued by the Principal of Karimganj College, Karimganj, the respondent No. 5, namely, Sri Sudip Suklabaidya, Assistant Professor of Computer Science & Application, was appointed as HoD of the Department of Computer Science & Application. Thereafter, by another Communication dated 05.04.2022, the Principal of

Karimganj College, Karimganj appointed the respondent No. 6 as the HoD, Computer Science & Application of the college with immediate effect. It is also the case of the petitioner that in view of the Office Memorandum dated 5th July, 2012, it is now the turn of the petitioner to be appointed as the Head of Department of Computer Science & Application in the said Karimganj College. However, by the Communication dated 16.04.2025, the Principal of Karimganj College has again appointed the respondent No. 5 as Head of Department of Computer Science & Application and that too without the approval of the Governing Body of the said college. Being aggrieved the present writ petition.

Issue notice.

Mr. A.R. Tahbildar, learned standing counsel, Higher Education Department, appears for the respondent Nos. 1 & 2.

Extra copies of the writ petition be furnished to the learned counsel appearing for the respondents.

Petitioner to take steps for service of notice on the respondent Nos. 3, 4, 5 & 6 by registered post with A/D within one week from today.

Respondents are allowed to file affidavit.

List this matter after 4 (four) weeks along with WP(C) No. 1564/2025.

In the interim, the Communication dated 16.04.2025 issued by the Principal of Karimganj College appointing the respondent No. 5 as Head of Department of Computer Science & Application w.e.f 17.04.2025, shall remain suspended till the next returnable date, if not already given effect to.

JUDGE

Comparing Assistant