

GAHC010103492018



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

Case No. : WP(C) 3273/2018

1:MANTU KUMAR BHUYAN
S/O LT. RUDRA PRASAD BHUYAN
VIL- KSHUDRAKULHATI
P.O.KALAG,
DIST.NALBARI, ASSAM
PIN -781351.

VERSUS

1:THE STATE OF ASSAM AND 6 ORS.
THROUGH THE COMMISSIONER AND SECRETARY TO THE GOVT. OF
ASSAM,
EDUCATION (HIGHER) DEPARTMENT,
DISPUR, GUWAHATI- 781006.

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

DIST. KAMRUP (M)
ASSAM

3:THE GOVERNING BODY
BARBHAG COLLEGE

P.O. KALAG
DIST NALBARI- 781351
ASSAM
(THROUGH THE PRESIDENT).

4:DR BIRENDRA DEKA
PRESIDENT
GOVERNING BODY

BARBHAG COLLEGE

P.O. KALAG

DIST. NALBARI- 781351
ASSAM

5:THE PRINCIPAL CUM SECRETARY
BARBHAG COLLEGE

P.O. KALAG
DIST NALBARI-781351
ASSAM

6:SRI BHASKAR JYOTI DEKA
S/O SRI HARIMAL DEKA

VILL- NIZBAHJANI
P.O. NIZBAHJANI
P.O. NIZBAHJANI
DIST. NALBARI- 781324
ASSAM

7:THE COMMISSIONER FOR PERSONS WITH DISABILITIES
ASSAM
BASISTHA
GUWAHATI - 781029

Advocate for the Petitioner : MR. P J PHUKAN

Advocate for the Respondent : SC, HIGHER EDU

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

ORDER

Date : 10-08-2018

Heard Mr. P.J. Phukan, learned counsel for the petitioner. Also hear Mr. K. Gogoi, learned Standing Counsel for the Higher Education Department.

Issue notice, returnable in four weeks.

Extra copies to the learned Standing Counsel for the Secondary Education Department

within three days.

Petitioner to take steps for service of notice on the respondent Nos.3 to 6 by registered post with A/D within three days.

The petitioner participated in the selection process pursuant to the advertisement dated 04.02.2018, amongst others, for the post of Assistant Professor in Assamese in the Unreserved (UR) category specifically for persons with disability. The petitioner is a person with vision impairment and according to him, the concerned post of Assistant Professor in Assamese is the 65th posts of the College as per the roster point and according to the office memorandum dated 05.11.2011 the post ordinarily ought to have been reserved for hearing impaired person. But at the same time, the roster points from post Nos. 1 to 33 being the first block was not filled up by a person with disability and therefore as per the said office memorandum, the 65th post in block No.2 is required to be filled up with a person with vision impairment.

Although the petitioner makes a claim for appointment by the virtue of being a person with disability of vision impairment, but there is an apprehension that by interpreting the office memorandum, the authorities may select and appoint a person with disability of hearing impairment or locomotors impairment.

Accordingly, it is provided that any selection be made shall be subject to the reserve to the petitioner.

List the matter after four weeks.

JUDGE

Comparing Assistant