

GAHC010139592018



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

Case No. : Review.Pet./170/2019

SMTI. KALPANA BORA BARMAN
ON COMMING INTO FORCE THE COTTON UNIVERSITY ACT, 2017,
UPGRADING THE ERSTWHILE COTTON COLLEGE TO COTTON
UNIVERSITY, ASSISTANT PROFESSOR, DEPARTMENT OF ENGLISH,
COTTON UNIVERSITY, PANBAZAR,GUWAHATI-1, DIST.- KAMRUP(M),
ASSAM.

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
EDUCATION HIGHER DEPARTMENT, DISPUR,GUWAHATI-6.

2:THE ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPARA
GHY-22
REP. BY ITS SECRETARY.

3:THE SECRETARY
ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPARA
GHY-22.

4:THE DIRECTOR OF HIGHER EDUCATION
ASSAM
KAHILIPARA
GHY-19

5:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT

DISPUR
GHY-6.

6:ON THE COMMING INTO FORCE THE COTTON UNIVERSITY ACT
2017
UPGRADING THE ERSTWHILE COTTON COLLEGE TO COTTON
UNIVERSITY
THE REGISTRAR
COTTON UNIVERSITY
PANBAZAR
GHY-1
DIST.- KAMRUP(M)
ASSAM.

7:SMTI. SANGHAMITRA SADHU
ON COMMING INTO FORCE THE COTTON UNIVERSITY ACT
2017
UPGRADING THE ERSTWHILE COTTON UNIVERSITY
PANBAZAR
GHY-1
DIST.- KAMRUP(M)
ASSAM.

8:SRI JOVIAL KALITA
S/O- SRI SRIKANTA KALITA
VILL.- HENGRABARI
LECHUBAGAN
H/NO. 62
P.O. HENGRABARI
DIST.- KAMRUP(M)
ASSAM
PIN- 701036

Advocate for the Petitioner : MR. B C DAS, MR. U DUTTA

Advocate for the Respondent : SC, FINANCE DEPTT., MR. P D NAIR (R-6),MS P PHUKAN (R8),MR. R SHARMA (R8),MR. T J MAHANTA, SC, APSC,SC, EDU

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

29.01.2025

Heard Mr. U. Dutta, learned counsel for the petitioner. Also heard Ms. P.

Sarma, learned counsel for the APSC and Mr. P.D. Nair, learned counsel for the respondent no.6. Although the name of the learned counsel is reflected in the list, non represents for the respondent no.8 when the matter was called up today.

This review petition is filed aggrieved by the judgment and order dated 02.05.2018 passed in WP(C) No.1385/2011. Learned counsel for the review petitioner submits that the writ petition was disposed of with a direction to the respondent authorities to consider the claim of the petitioner/respondent no.8 (in the review petition) herein by wrongly arriving at the conclusion that the writ petitioner was also one of the selected candidates. The learned Single Judge arrived at the conclusion by referring to the marks obtained by the various candidates including the writ petitioner which as reflected in the merit list of the written examination and of the interview by erroneously concluding these marks to be marks as per the select list. The select list is prepared on the basis of the merit list published by the APSC. Learned counsel for the review petitioner submits that the learned Single Judge proceeded on the erroneous assumption that the petitioner/respondent no.8 was also one of the selected candidates. However, in the select list which was ultimately published by the APSC, the name of the writ petitioner/respondent no.8 herein was not included and therefore, the directions issued by the learned Single Judge was patently

erroneous and therefore, error being apparent on the face of the record, the review petition has been filed praying for review and recall of the order dated 02.05.2018 passed in WP(C) No.1385/2011.

Having perused the pleadings available on record, it is seen that the merit list is not available in the pleadings filed before this Court.

Accordingly, learned counsel for the APSC is directed to place before the Court the final merit list pertaining to this matter on the basis of which the appointments were issued on the various candidates and the same be placed before the Court on the next date fixed.

List the matter on 19.02.2025.

JUDGE

Comparing Assistant