

GAHC010141822023



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

Case No. : WP(C)/3872/2023

PROF. DR. ISHRAT HUSSAIN
S/O- LT. MR. RIASAT HUSSAIN,
R/O- 2-F. ANSAR BAGH,
OPPOSITE SULAIMAN HALL, SAHEB BAGH,
ALIGARH, UTTAR PRADESH,
PIN- 202001.

VERSUS

THE VICE CHANCELLOR, NATIONAL LAW UNIVERSITY AND JUDICIAL
ACADEMY, ASSAM (NLUJAA) AND 2 ORS
HAJO ROAD, AMINGAON, GUWAHATI,
ASSAM, PIN- 781031.

2:THE NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY
ASSAM (NLUJAA)
THROUGH ITS REGISTRAR

HAJO ROAD
AMINGAON

GUWAHATI
ASSAM

PIN- 781031.

3:THE UNIVERSITY GRANTS COMMISSION (UGC)
THROUGH ITS CHAIRMAN

BAHADUR SHAH ZAFAR MARG

NEW DELHI- 110002

Advocate for the Petitioner : MR H RAHMAN

Advocate for the Respondent : SC, U G C

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

30-06-2023

Heard Mr. H. Rahman, learned Senior Counsel assisted by Mr. I.Hossain, learned counsel for the petitioner. Also heard Ms. P. Agarwal, learned Counsel for the UGC.

This petition has been filed by the petitioner aggrieved by his non-consideration for a Career Advancement Scheme as per the norms set by the UGC vide their notification dated 18.07.2018. Learned Senior Counsel for the petitioner submits that the petitioner was appointed as an Associate Professor in the National Law University and Judicial Academy, Assam. During his period of service the petitioner was appointed as a Professor in the Department of law in the Aligarh Muslim University on 22.10.2022 and he applied for *lien* which was granted by the respondent no.2 for a period of 1 year with effect from 30.11.2022. During his tenure at the Aligarh Muslim University, the respondent no.2 University conducted selection process for career advancement on 03.04.2023. The petitioner was not intimated of the selection process and therefore, he was unable to participate. Being aggrieved, the petitioner approached the University i.e. respondent no.2 and it was informed that in terms of the UGC notification dated 18.07.2018 as per clause 6.3 (v) the petitioner was not considered as he was not in active service of the University. Learned Senior Counsel for the

petitioner submits that active service as reflected in the UGC notification will not exclude those candidates who are in *lien* granted by the concerned University.

The petitioner is still an employee of the respondent no.2 University and therefore, he ought to have been intimated about the selection process so that he could have represented himself before the selection committee.

Ms. P. Agarwal, learned Counsel for the UGC submits that whether active service will conclude service on *lien* is an issue in which she would like to take instructions.

Having heard the learned counsels for the parties, this Court is of the view that this matter would require some consideration.

This Court is of the considered opinion that at this stage, let notice be issued only on the respondent no.2 & respondent no.3.

Since Ms. P. Agarwal, learned counsel entered appearance on behalf of the respondent no.3, notices are waived in respect of the respondent no.3. However, extra copies of the petition be served to Ms. P. Agarwal, learned counsel for the UGC.

Petitioner shall take steps for service of notice upon the respondent no.2 by registered post with A/D wtiin7 (seven) days from today.

List the matter after 4 (four) weeks.

JUDGE

Comparing Assistant