

GAHC010181452025



2025:GAU-AS:13208

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

Case No. : WP(C)/4704/2025

MISS ELINA NENGNEIHOI DOUNGEL
D/O LATE LIENKHONGAM DOUNGEL REPRESENTED HEREIN BY HER
PATERNAL AUNT AND LEGALLY APPOINTED GUARDIAN SMTI.
CHONGVAH DOUNGEL, (AGED 46 YEARS)
RESIDENT OF GHONIALA, NEAR SAMAJIK PRASANGA, SILCHAR,
DISTRICT CACHAR ASSAM, PIN 788002

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
DEPARTMENT OF HIGHER EDUCATION, ASSAM SECRETARIAT, BLOCK C,
3RD FLOOR, DISPUR, GUWAHATI, DISTRICT KAMRUP (M), ASSAM, PIN
781006

2:THE ASSAM STATE SCHOOL EDUCATION BOARD
(ASSEB DIVISION 2)
REPRESENTED BY ITS CHAIRMAN
BAMUNIMAIDAN
GUWAHATI
DISTRICT KAMRUP (M)
ASSAM
PIN 781021

3:THE CACHAR COLLEGE SILCHAR
REPRESENTED BY ITS PRINCIPAL
SILCHAR
DISTRICT CACHAR
ASSAM
PIN 788001

4:THE CONTROLLER OF EXAMINATION
ASSEB DIVISION 2
BAMUNIMAIDAN

GUWAHATI
DISTRICT KAMRUP M
ASSAM
PIN 781021

5:THE DIRECTOR OF HIGHER EDUCATION
KAHILIPARA MAIN RD
JATIA
KAHILIPARA
GUWAHATI
ASSAM 78101

Advocate for the Petitioner : MR. A BISWAS, MR P K BASU,MR R KALITA

Advocate for the Respondent : SC, HIGHER EDU, MR S DUTTA (R-3),MR. S DUTTA(R-3),S
PAUL,MS K BORAH(R-3),SC, SEBA

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

Date : 24-09-2025

Heard Mr. A Biswas, learned counsel for the petitioner. Also heard Mr. S Dutta, learned counsel for the respondent No. 3, Mr. S Bhuyan, learned counsel for the respondent Nos. 1 & 5 as well as Ms. P Devi, learned counsel appearing on behalf of Mr. TC Chutia, learned counsel for the respondent Nos. 2 & 4.

[2.] Having regard to the nature of the case projected by the petitioner, this writ petition is taken up for disposal.

[3.] It is the case of the petitioner that she had appeared in the Higher Secondary Final Examination in the Arts Stream for the year 2025 conducted by the Assam State School Education Board (ASSEB). Although she appeared for the examination as scheduled and submitted her project report, but when the mark sheet was issued, she was marked to be absent in the submission of

project report. The petitioner aggrieved with the same submitted her representation before the Controller of Examinations, ASSEB on 30.04.2025. The Principal, Cachar College, Silchar also wrote a letter to the Controller of Examinations, ASSEB to the effect that the petitioner was inadvertently marked as absent for the project report and that she was present and submitted her project report on time as per the stipulation and scoring 18 (eighteen) marks. Despite the same, since rectification in the mark sheet was not done, the petitioner is before this Court.

[4.] Mr. A Biswas, learned counsel submits that according to the respondent/ASSEB, they are guided by the Standard Operating Procedure (SOP) issued vide notification dated 16.12.2024 wherein it is provided that there will be no separate online portal to mark the attendance in practical/project examination. The Head of the Institution and the Internal Examiner will mark the candidates as absent for absentee students and once submitted there will be no scope for editing the status of the candidates. The learned counsel submits that there was no fault on the part of the petitioner and that for the fault on the part of the Internal Examiner or the authorities in the Institution, the petitioner cannot be made to suffer.

[5.] From a perusal of the materials available on record, it can be seen that the Principal of Cachar College, Silchar and the Internal Examiner have duly certified the marks given for project submission in the subject of history to the petitioner. From the Communication dated 05.05.2025 written by the Principal of the said College, the petitioner was inadvertently marked as absent, despite being present for submission of the project report and therefore, it only appears that a *bonafide* mistake has occurred in the entry of marks of the petitioner towards project report in her mark sheet. The SOP relied upon by the respondent/ASSEB

is basically to guide the authorities concerned for conduct of the project examination and the petitioner not being involved in such an exercise conducted by the authorities concerned in entering the marks cannot be deprived of the marks secured by her against the project report.

[6.] Therefore, this Court is of the view that the petitioner should be given the marks as secured by her in the project report by making necessary corrections in her mark sheet. This Court, vide order dated 21.08.2025 had passed an interim order to the effect that one seat in the Arts stream in Cachar College, Silchar shall be kept vacant until further order. Since the instant writ petition has been allowed, as reflected herein above, the petitioner be considered against the said vacant seat, subject to her fulfilling the eligibility criteria.

[7.] With the above observations and directions, this writ petition stands disposed of.

JUDGE

Comparing Assistant