

GAHC010183472023



2026:GAU-AS:4083

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

Case No. : Cont.Cas(C)/514/2023

MONOJ SAIKIA AND 14 ORS
S/O- CHANDRA SAIKIA, VILL.- MEKHELI GAON, P.O. BONGAON, P.S.
MAJULI KAMALABARI, DIST. MAJULI, ASSAM, PIN- 785110

2: JHARNA BARUAH SAIKIA
W/O- CHANDRAMONI SAIKIA
VILL- MILANPUR SAIKIA CHUBURI
P.O. DIPOTA
P.S. TEZPUR
DIST. SONITPUR
ASSAM
PIN- 784150.

3: SMT. RICHA BORGOHAIN
W/O- AMIYO KUMAR GOGOI
VILL- PITHAGHAT
P.O. URIAMGHAT
P.S. BORPATHAR
PIN- 785601
DIST. GOLAGHAT
ASSAM

4: NITUMONI DOLEY
D/O- UDON CH. DOLEY
VILL.- KEMI
P.O. LEKU
P.S. JONAI
PIN- 787060
DIST. DHEMAJI
ASSAM

5: JUTIKA DEVI
D/O- BASISTHA NATH
VILL.- BARATI

P.S. THELAMARA
P.O. GHATUA
PIN- 784149
DIST. SONITPUR
ASSAM

6: TANIMA MECH
D/O- TOLON CH. MECH
VILL.- NOBIL PATHER
PIN- 784506
P.O. NEPALI BASTI
P.S. MISSAMARI
DIST. SONITPUR
ASSAM

7: SMT. SUDESHNA BHUYAN
W/O- DEBASIS BORAH
VILL.- BORIGAON
P.O. AND P.S. GOHPUR
PIN- 784168
DIST. BISWANATH
ASSAM

8: PRATISHA KAKATI
D/O- BASANTA KAKATI
VILL.- PUKHURIPARA
P.O. AND P.S. NAGARBERA
PIN- 781126
DIST. KAMRUP
ASSAM

9: RAJDEEP HAZARIKA
S/O- LATE KRISHNA HAZARIKA
VILL.- GOSAIPATHER NO. 2
P.O. AND P.S. BIHPURIA
PIN- 784161
DIST. LAKHIMPUR
ASSAM

10: SIKHAMONI DUTTA
D/O- RAJEN DUTTA
VILL.- LUKUMAI GAON
P.O. HALODHIBARI
P.S. DERGAON
DIST. GOLAGHAT
ASSAM
PIN- 785618.

11: PORASHMONI PUJARI
S/O- LATE HITNATH PUJARI
VILL.- AND P.O. KENDUGURI
P.S. BIHPURIA
PIN- 784161
DIST. LAKHIMPUR
ASSAM

12: ALPANA DUTTA
D/O- RUPESWAR DUTTA
VILL.- JARITUP
P.S. LAKHIPUR
P.O. AZAD
PIN- 787031
DIST. LAKHIMPUR
ASSAM

13: RUJI KONWAR
C/O- DULEN NATH
VILL.- MODARGURI
P.O. AZAD
P.S. PANIGAON
PIN- 787031
DIST. LAKHIMPUR
ASSAM

14: PINKI DEVI
C/O- GAJENDRA NATH
VILL. AND P.O. KHOGA
P.S. PANIGAON
PIN- 787052
DIST. LAKHIMPUR
ASSAM

15: MONALISA GOGOI
C/O- TILESWAR GOGOI
VILL.- KAKADONGA
P.S. NAMKHEATOWUL
P.S. DERGAON
DIST. GOLAGHAT
ASSAM
PIN- 785626

VERSUS

NARAYAN KONWAR, IAS AND ANR
THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM,
ELEMENTARY EDUCATION DEPARTMENT, DISPUR, GUWAHATI-6

2:SMT. SURANJANA SENAPATI
ACS
DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-1

Advocate for the Petitioner : MR. M H ANSARI, MR. S ALIM

Advocate for the Respondent : MR B KAUSHIK, MR. U SARMA(R-2),MR B KAUSHIK (R-2),MR. D SAIKIA(R-2),MR S NEOGI

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
O R D E R

20.03.2026

1. Heard Mr. MH Ansari, learned counsel for the petitioners.
2. The present application is filed assailing willful and deliberate violation of this court's order dated 31.05.2023 passed in WP(C) No. 3054/2023.
3. The aforesaid writ petition was disposed of in terms of the observation made at paragraph No. 33 of the judgment & order (oral) dated 21.06.2022 passed in WP(C) 1040/2022 and other connected cases.
4. A comparison was raised in the aforesaid proceeding as regards distribution of marks to be adopted in selection process provided by UGC.
5. In the aforesaid order at paragraph 32 and 33, the following observations were reordered:

“32. Secondly, by applying the same law to two classes of people,

i.e. one class of candidates who were subjected to a stricter evaluation in the qualifying examinations and another class who were subjected to a more liberal method of evaluation, the provisions of Article 14 of the Constitution of India would be violated.

33. Without expressing any view on the aforesaid issue as regards the disadvantageous position that the candidates who acquired their qualification at an earlier period of time may face, we provide that ends of justice would be met, if the authorities conducting the selection procedure embark upon a process of rationalization of the marks and in the event, it is noticed that there is a noticeable variation in the marks of the candidates, who appeared in the qualifying examinations at an earlier period of time in comparison with those who appeared at a later period of time, we leave it to the authorities to devise their own method as to how to rationalize their marks and thereafter take into consideration the rationalized marks of the candidates rather than the numerical marks of the respective candidates as depicted in the respective mark sheets. In our view, the process of rationalization would avoid a situation of any violation of Article 14 of the Constitution of India."

6. From the aforesaid what is seen is that the observation made in paragraph 33 was made without entering the merit of the controversy and no determination was made that distribution of marks as questioned is violative of Article 14 of the Constitution of India.

7. That being the position, such observation cannot be treated as any direction or writ, rather this was a passing comment.

8. In view of the aforesaid, in the opinion of this court, no

contempt petition shall be maintainable, for compliance of the paragraph 33 as quoted hereinabove not being any direction but observation without deciding on merit.

9. Accordingly, the present contempt petition stands closed.

JUDGE

Comparing Assistant