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

Case No. : WP(C)/5045/2024

DR. MD YAMIN HASSAN
S/O- LATE EMDADUL HAQUE,
R/O. COLLEGE NAGAR,
P.O. AND P.S.- MANKACHAR,
DISTRICT- SOUTH SALMARA MANKACHAR,
ASSAM.

VERSUS

THE STATE OF ASSAM AND 5 ORS
THROUGH THE COMMISSIONER AND SECRETARY,
TO THE GOVERNMENT OF ASSAM,
HIGHER EDUCATION DEPARTMENT,
DISPUR, GUWAHATI- 781006.

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

3:THE UNIVERSITY GRANT COMMISSION
REPRESENTED BY ITS SECRETARY

BAHADUR SHAH JAFAR MARG

NEW DELHI- 110002.

4:THE GOVERNING BODY

REPRESENTED BY ITS PRESIDENT

MANKACHAR COLLEGE

P.O. AND P.S.- MANKACHAR

DISTRICT- SOUTH SALMARA MANKACHAR

ASSAM

PIN CODE- 783131.

5:THE SELECTION COMMITTEE FOR SELECTION OF PRINCIPAL
MANKACHAR COLLEGE
REPRESENTED BY ITS CHAIRMAN CUM VICE CHANCELLOR

GAUHATI UNIVERSITY

P.O. AND P.S.- MANKACHAR

DISTRICT- SOUTH SALMARA MANKACHAR

ASSAM

PIN- 783131.

6:DR AZIBUR RAHMAN
HEAD OF THE DEPARTMENT

ECONOMICS

DOOMDOOMA COLLEGE

S/O- LATE MAKRAM ALI

R/O- TAPUBON
P.O.- RUPAISIDING

DISTRICT- TINSUKIA
ASSAM

Advocate for the Petitioner : MR I HASSAN,

Advocate for the Respondent : SC, HIGHER EDU, MD I H LASKAR (R-4),MR. M AHMED(R-4),SC, G U,SC, U G C

**BEFORE
JOINT REGISTRAR (JUDL.) MR. CHINMOY BARUAH**

ORDER

Date : 14.11.2024

Case taken up before the Lawazima Court.

Learned counsel Mr. I. Hussain appears on behalf of the petitioner.

Learned standing counsel, GU, Mr. P.J. Phukan appears on behalf of the respondent No.

5. And, learned counsel Mr. R. Bhuyan appears on behalf of the learned standing counsel, UGC, representing respondent No. 3.

Perused the records.

On a perusal of the office note dated 14.11.2024 reveals that notice was issued to the respondent Nos. 4 & 6 by registered post with A/D on 15.10.2024.

Now, in connection with the aforementioned notice issued to the respondent Nos. 4 & 6, it has been observed that:—

R4:— It appears that no A/D card or un-served notice has been received by the concerned section till date. However, the postal track consignment report available with the case record shows that the notice has been delivered to the addressee on 26.10.2024. As such, it may be said that **service in respect of the respondent No. 4 has been completed.**

R6:— It appears that the notice has been received un-served with the postal remark ***“Addressee Refused (Addressee is in Medical Treatment)”***.

Now, in **N. Parameswaran Unni v. G. Kannan, (2017) 5 SCC 737**, *the Hon'ble Supreme Court held that "when a notice is sent by registered post and is returned with postal endorsement "refused" or "not available in the house" or "house locked" or "shop closed" or "addressee not in station", due service has to be presumed."*

In view of the proposition laid down in **N. Parameswaran Unni** (supra), the registered notice dated 15.10.2024 **may be presumed to be served on the respondent No. 6.**

In view of the above, the matter may be placed before the Hon'ble Court.

Joint Registrar (Judicial)

Comparing Assistant