

GAHC010193182025



2025:GAU-AS:13206

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

Case No. : I.A.(Civil)/2843/2025

DR PARAG BARMAN
SON OF LATE BHUPENDRANATH BARMAN, BARBANG, JANPAR P.O-
BARBANG, DISTRICT- BAJALI, ASSAM, PIN-781325

VERSUS

DR ASIM UI ISLAM JWAHA
SON OF LATE IMAMUL ISLAM, RESIDENT OF VILLAGE GOBINDAPUR,
P.O.- SIMLAGURI, DISTRICT- BAKSA (ASSAM), PIN-781313.

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
HIGHER EDUCATION DEPARTMENT
DISPUR
GUWAHATI-6

3:THE DIRECTOR OF HIGHER EDUCATION
ASSAM KAHILIPARA
GUWAHATI-19.

4:PRINCIPAL I/C BARNAGAR COLLEGE
DISTRICT- BARPETA
ASSAM
PIN-781317.

5:PRESIDENT
GOVERNING BODY
BARNAGAR COLLEGE
SORBHOG
DISTRICT- BARPETA
ASSAM

PIN- 781317.

6:BARNAGAR COLLEGE
SORBHOG REPRESENTED BY PRINCIPAL I/C
DISTRICT-BARPETA
ASSAM
PIN-781317..

7:BHATTADEV UNIVERSITY
REPRESENTED BY REGISTRAR
BHATTADEV UNIVERSITY
BAJALI
PATHSAL
ASSAM
PIN-781325.

8:SELECTION COMMITTEE
CONSTITUTED FOR THE POST OF PRINCIPAL BY THE BHATTADEV
UNIVERSITY
BAJALI
PATHSAL
ASSAM
PIN-781325.

9:THE UNIVERSITY GRANTS COMMISSION
REPRESENTED BY THE CHAIRMAN
HAVING REGISTERED OFFICE AT BAHADUR SHAH ZAFAR MARG
NEW DELHI-110002

Advocate for the Petitioner : MR P BHARDWAJ, M RAHMAN

Advocate for the Respondent : SC, HIGHER EDU, MR D MAHANTA

Linked Case : WP(C)/4187/2025

ASIM UL ISLAM JWAHA
S/O- LATE IMAMUL ISLAM
R/O- VILL.- GOBINDAPUR
P.O. SIMLAGURI
DIST. BAKSA
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9:PARAG BARMAN
S/O- LATE BHUPENDRANATH BARMAN
R/O- DEPARTMENT OF ECONOMICS
BHATTADEV UNIVERSITY
BAJALI
P.O. PATHSALA
DIST. BAJALI
ASSAM
PIN- 781325.

Advocate for : MR. T J MAHANTA
Advocate for : SC
HIGHER EDU appearing for STATE OF ASSAM AND 8 ORS

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

Date : 24.09.2025

Heard Mr. P. Bhardwaj, learned counsel for the applicant. Also heard Mr. S. Borthakur, learned counsel for the opposite party No.1/writ petitioner, Mr. S. Bhuyan, learned Standing Counsel, Higher Education Department for the respondent Nos. 2 and 3, Mr. D. Mahanta, learned counsel for the respondent Nos. 4, 5 and 6, Ms. K. Borpujari, learned counsel appearing on behalf of Mr. A. Chamuah, learned Standing Counsel, UGC and Mr. J. Patowary, learned counsel for the respondent No.7.

[2.] This I.A. is filed seeking vacation of the interim order dated 28.07.2025,

passed by this Court in WP(C)/4187/2025, by which the parties have been directed to maintain status-quo as regards the selection and appointment for the post of Principal of Barnagar College, Sorbhog.

[3.] In the writ petition, it is the case of the writ petitioner that out of the ten journals submitted by the respondent No.7/applicant in the I.A., two of the journals were found to be clone journals and for which reason, the Governing Body declined to accept the recommendation made in favour of the said respondent for the post in question. However, despite the same, since Principal-in-Charge of the College had forwarded the recommendation made in favour of the respondent No.7 to the Director of Higher Education. Aggrieved, the writ petition came to be filed by the writ petitioner.

[4.] Mr. P. Bhradwaj, learned counsel for the applicant submits that the respondent No.7 in the writ petition is the applicant in the I.A. and that two of the journals may have been found to be clone but the fact remains that the applicant had submitted as many as thirteen journals and therefore, even if the two journals are not to be accepted, there still remains 11(eleven) journals and therefore the applicant would still be eligible to be appointed to the post.

[5.] Mr. S. Borthakur, learned counsel for the writ petitioner submits that the petitioner disputes the contention of the applicant inasmuch as out of the thirteen publications submitted by the applicant only ten of the publications were considered. Further out of the ten publications considered, two of them were found to be duplicate and clone papers.

[6.] While the dispute is as indicated herein above, the fact remains that the matter is pending with the Director of Higher Education for consideration and the learned counsel for the parties submit that such being the position, Court

may not decide the issue at this stage but leave the matter to the Director, Higher Education for to decide since the said authority would be the appropriate authority in terms of the relevant provisions of the Assam College Employees (provincialisation) Rules, 2010. In support of the submissions, the attention of this Court has been drawn to the case of ***Mrinal Kumar Bora (Dr.) Vs. State of Assam and Ors. 2017 1 GLT 737*** rendered by Co-ordinate bench of this Court.

[7.] Therefore having regard to the above submissions and the fact that Director is the authority to act upon the recommendation of the selection committee, the I.A. as well as the writ petition are disposed of by directing the Director, Higher Education to consider and dispose of the recommendation so made by taking appropriate decision in accordance with law after giving an opportunity of hearing to the parties concerned. The same should be done within a period of two months from receipt of a certified copy of the order.

[8.] Interim order passed earlier shall abide by the decision to be taken by the Director.

JUDGE

Comparing Assistant