

GAHC010205232024



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

Case No. : WP(C)/5073/2024

DR. KRISHNA BORGHAIN
S/O- DIPAK BORGHAIN,
R/O- VILLAGE NO-2 BHARALI CHUK, WARD NO-5, P.O- DHEMAJI, DIST-
DHEMAJI, ASSAM, PIN-787057

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM, HIGHER
EDUCATION DEPARTMENT, DISPUR, GUWAHATI-781006.

2:THE DIRECTOR OF HIGHER EDUCATION
ASSAM CUM ENQUIRY OFFICER
KAHILIPARA
GUWAHATI-19.

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

4:UNIVERSITY GRANT COMMISSION (UGC)
BAHADUR SHAH ZAFAR MARG
NEW DELHI- 110002

Advocate for the Petitioner : MR. B K DAS, MR H P GUWALA,H P NEOG

Advocate for the Respondent : SC, HIGHER EDU, SC, U G C

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
O R D E R

03.10.2024

Heard Mr. I. Choudhury, learned senior counsel assisted by Mr. B.K. Das, learned counsel appearing for the petitioner. Also heard Mr. D. Upamanyu, learned Standing Counsel, Higher Education Department, Assam, appearing for the respondent Nos. 1, 2 & 3 and Ms. N. Deka, learned Standing Counsel, UGC, appearing for the respondent No.4.

2. The petitioner is serving as a Lecturer in English in the Dhemaji Girls College, Dhemaji since its venture stage. Pursuant to the order dated 21.05.2014 of the State Government in the Higher Education Department, the Director of Higher Education, Assam by order dated 26.05.2014 provincialised the service of the petitioner w.e.f. 14.08.2013 incorporating certain terms and conditions.

3. Aggrieved with the show cause notice under No.E.Comp.No.412891/2023 dated 15.06.2024, issued by the Director of Higher Education, Assam, the petitioner has filed this writ petition on 25.09.2024, praying amongst others, to set aside and quash the said show cause notice dated 15.06.2024 and also to set aside and quash the enquiry report issued by the Enquiry Officer of the Directorate of Higher Education, Assam on the basis of notice issued earlier on 03.02.2023 that was issued by the Secretary to the Government of Assam in the Higher Education Department and Chairman of the Enquiry Committee.

4. It is stated by the petitioner that earlier on two occasions, the respondents in the Higher Education Department of the State had issued

her show cause notices for the same issues involved in the impugned show cause notice dated 15.06.2024, to which she had already filed her replies, that are pending for consideration by the respondents in the Higher Education Department.

5. Issue **notice**, returnable by **06(six) weeks**.

6. As Mr. D. Upamanyu, learned Standing Counsel, Higher Education Department, Assam and Ms. N. Deka, learned Standing Counsel, UGC have accepted notices on behalf of the respondent Nos. 1, 2, 3 and 4 respectively, no formal notice is required to be issued.

7. The petitioner shall serve requisite extra copies of this petition along with the annexures appended thereto to Mr. D. Upamanyu, learned Standing Counsel, Higher Education Department, Assam and Ms. N. Deka, learned Standing Counsel, UGC by tomorrow, obtaining necessary acknowledgements from them in that regard.

8. In the interim, it is provided that the respondent authorities in the Department of Higher Education, Assam shall not take any coercive action against the petitioner pursuant to the impugned show cause notice No.E.Comp.No.412891/2023 dated 15.06.2024, Annexure-22 to this writ petition, without the leave of the Court.

9. List the matter after 06(six) weeks along with WP(C) No.5013/2024.

JUDGE