

GAHC010231862025



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

Case No. : WP(C)/5963/2025

SHORIFUL ISLAM AND ANR
SON OF NUR AHMED, RESIDENT OF MANJURI BILAR PATHAR, P.O-
MAHIMARI, SUB DISTRICT- CHHAYGAON, DISTRICT- KAMRUP, ASSAM-
781137

2: SHAHID ANOWAR
SON OF BADSHA MIYA
RESIDENT OF C/O BADSHA MIYA
MANJURI BILAR DHUM DHUNI TARI
P.O.- AGGUMI
DIST- KAMRUP
ASSAM-78113

VERSUS

THE STATE OF ASSAM AND 7 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY, DEPARTMENT
OF HIGHER EDUCATION, GOVERNMENT OF ASSAM, DISPUR, GUWAHATI-
781006, ASSAM.

2:THE GAUHATI UNIVERSITY
REPRESENTED BY THE VICE CHANCELLOR
GOPINATH BORDOLOI NAGAR
JALUKBARI
GUWAHATI-781014
ASSAM

3:F. A. AHMED COLLEGE
REPRESENTED BY THE PRINCIPAL
F. A. AHMED COLLEGE
GAROIMARI (HIGHER EDUCATION INSTITUTION)
GOROIMARI
P.S.- CHHAYGAON
P.O.- TUKRAPARA

DIST- KAMRUP (ASSAM)
PIN-781137

4:THE GOVERNING BODY
REPRESENTED BY THE CHAIRMAN
F. A. AHMED COLLEGE
GAROIMARI (HIGHER EDUCATION INSTITUTION)
GOROIMARI
P.S.- CHHAYGAON
P.O.- TUKRAPARA
DIST- KAMRUP (ASSAM)
PIN-781137

5:THE ELECTION COMMISSIONER/ASSTT. ELECTION COMMISSIONER
ELECTION TO THE STUDENTS UNION- 2025-26
F. A. AHMED COLLEGE
GAROIMARI (HIGHER EDUCATION INSTITUTION)
GOROIMARI
P.S.- CHHAYGAON
P.O.- TUKRAPARA
DIST- KAMRUP (ASSAM)
PIN-781137

6:THE PRINCIPAL
F. A. AHMED COLLEGE
GAROIMARI (HIGHER EDUCATION INSTITUTION)
GOROIMARI
P.S.- CHHAYGAON
P.O.- TUKRAPARA
DIST- KAMRUP (ASSAM)
PIN-781137

7:ABIBUR RAHMAN
STUDENT OF 5TH SEMESTER
BACHELOR OF ARTS (B.A) UNDER POLITICAL SCIENCE DEPARTMENT
F. A. AHMED COLLEGE
GAROIMARI (HIGHER EDUCATION INSTITUTION)
GOROIMARI
P.S.- CHHAYGAON
P.O.- TUKRAPARA
DIST- KAMRUP (ASSAM)
PIN-781137

8:MOHIBUL ISLAM
STUDENT OF 5TH SEMESTER
BACHELOR OF ARTS (B.A) UNDER POLITICAL SCIENCE DEPARTMENT
F. A. AHMED COLLEGE
GAROIMARI (HIGHER EDUCATION INSTITUTION)

GOROIMARI
P.S.- CHHAYGAON
P.O.- TUKRAPARA
DIST- KAMRUP (ASSAM)
PIN-78113

Advocate for the Petitioner : MD F FARIDI, MR D DEKA,MR. K MOHAMMED

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

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

Date : 16.10.2025

Heard Mr. F. Faridi, learned counsel for the petitioners, who submits that the petitioners are aggrieved with declaration of valid/rejected nominations dated 13.10.2025 (Annexure-IV) by the Commissioner/Assistant Commissioner, Election to the Students Union 2025-26, F.A. Ahmed College, Garoimari (respondent No.5) by which the names of the petitioner No.1 as President of the Students Union and the petitioner No.2 as the Vice President of the Students Union have been rejected on account of they not having required attendance percentage to contest the election. He submits that the petitioners have also challenged the Notice dated 15.10.2025 issued by the respondent No.5 by which the respondent No.7 has been found to be eligible to contest the election while respondent No.8 has been found to be uncontested for the post of Vice President.

The learned counsel submits that the respondent Nos. 7 and 8 are in fact not eligible to contest the election in view of J.M. Lyngdoh Committee recommendations, wherein, candidates either having previous criminal records

or having been subjected to disciplinary action by the College Authority are not eligible to contest the election. The Committee's report/recommendation is also incorporated in the Rules for election to the Students Union 2025-26 of the college concerned dated 07.10.2025 at paragraph No.5 of the Rules. The same has also been clearly established from the Notice dated 11.05.2024 enclosed to the complaint/representation submitted by the petitioner No.2 before the respondent No.5 on 15.10.2025 (Annexure-10).

The learned counsel submits that although the petitioners are found to not have the required attendance, but in fact they do have more than 75% attendance in the college and although representation to that effect has been submitted by the students of the College in which the petitioners are also signatory on 13.10.2025 and by the petitioner No.2 on 15.10.2025, the respondent authorities have failed to consider and dispose of the same and are proceeding with the polling and counting of the same on 17.10.2025 as per the Re-scheduled Minutes of Election dated 14.10.2025 (Annexure-8). The learned counsel thus submits that since the action of the respondent authorities is illegal and arbitrary and in violation of the Rules of Election, the respondent Nos. 7 and 8 should be declared to be in-eligible to contest the election for the post of President and Vice President while allowing the petitioners to contest the election.

In view of above, issue notice of motion returnable by 27.10.2025.

Mr. S. Das, learned Standing Counsel, Higher Education Department accepts notice on behalf of respondent No. 1 and Mr. P. J. Phukan, learned Standing Counsel, Gauhati University accepts notice on behalf of respondent No. 2.

Petitioner to serve notice upon the remaining respondents by way of dasti through the Registry of this Court within 4(four) days and thereafter to file an affidavit showing proof of service.

Having regard to the projection made by the petitioners, in the interim it is directed that polling of votes as scheduled on 17.10.2025 in terms of the Rescheduled Minutes of Election dated 14.10.2025 shall not be held till the next returnable date.

List the matter again on 27.10.2025.

JUDGE

Comparing Assistant