

GAHC010241192015



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

Case No. : WP(C) 3732/2015

1:DR. SANCHITA BORUAH and 2 ORS
ASSOCIATE PROFESSOR, DEPARTMENT OF ZOOLOGY, DIBRUGARH,
SURAJMAL HANUMANBAX KANOI D.H.S.K.COLLEGE, DIBRUGARH-
786003, ASSAM.

2: DR. PARTHA GANGULI
ASSOCIATE PROFESSOR
DEPARTMENT OF ECONOMICS
DIBRUGARH SURAJMAL
HANUMANBAX KANOI D.H.S.K. COLLEGE
DIBRUGARH- 786003
ASSAM.

3: DR. MADHUMITA PURAKAYASTHA
ASSOCIATE PROFESSOR
DEPARTMENT OF ENGLISH
DIBRUGARH SURAJMAL
HANUMANBAX KANOI D.H.S.K. COLLEGE
DIBRUGARH- 786003
ASSAM

VERSUS

1:THE STATE OF ASSAM AND 7 ORS
REP. BY THE COMMISSIONER and SECRETARY TO THE GOVT. OF ASSAM,
EDUCATION HIGHER DEPARTMENT, DISPUR, GUWAHATI-19.

2:THE JOINT SECRETARY TO THE
GOVT. OF ASSAM
HIGHER EDUCATION DEPARTMENT
DISPUR
GUWAHATI-6.

3:SRI R. HAZARIKA

JOINT SECRETARY TO THE GOVT. OF ASSAM
HIGHER EDUCATION DEPARTMENT
DISPUR
GUWAHATI-6.

4:THE DIRECTOR OF HIGHER EDUCATION
DIPSUR
GUWAHATI-19.

5:THE GOVERNMENT BODY
D.H.S.K. DIBRUGARH SURAJMAL HANUMANBAX KANOI COLLEGE
DIST. DIBRUGARH
PIN - 786003
ASSAM
REP. BY THE SECRETARY CUM PRINCIPAL.

6:THE PRESIDENT
GOVERNING BODY D.H.S.K. COLLEGE
DIST. DIBRUGARH
PIN - 786003
ASSAM.

7:DR. ATIKUDDIN AHMED
FORMER PRINCIPAL-IN-CHARGE
D.H.S.K. COLLEGE
DIBRUGARH
PIN - 786003
ASSAM.

8:DR. SASHI KANTA SAIKIA
PRINCIPAL DHSK COLLEGE
DIBRUGARH- 786003
ASSAM

Advocate for the Petitioner : MS.S SARMA

Advocate for the Respondent : FOR CAVEATOR

BEFORE
HONOURABLE MR. JUSTICE MANOJIT BHUYAN
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

O R D E R

13.03.2020

(Manojit Bhuyan, J)

Heard Ms. S. Sarma, learned counsel for the petitioner as well as Mr. K. Gogoi, learned counsel representing respondent nos. 1,2,3 and 4. Mr. B.M. Deka, learned counsel appears for respondent nos. 5 and 6.

This writ petition is listed before the Division Bench in view of one of the prayers made relating to challenge to the *vires* of Section 3(c) of the *Assam College Employees (Provincialisation) Act, 2005*, as amended.

It is brought to our notice that challenge to the *vires* of Section 3 (c) was also the subject-matter in WP(C) 3571/2016 and order passed in the said writ petition on 13.02.2020 is as follows:

- “1. By virtue of this petition, challenge has been made to the *vires* of Section 3(c) of the Assam College Employees (Provincialisation) Act, 2005, as amended vide Assam College Employees (Provincialisation) (Amendment) Act, 2012.
2. Learned counsel for the respondents has pointed out that there has been a subsequent development. Vide Notification dated 1.6.2017 published in the Assam Gazette (Extraordinary) published on 3.6.2017, Section 3(c) of the Act has been amended. It has been pointed out that since the very provision which is under challenge has been amended, adjudication of this petition is not possible. ”

Having regard to the above and since the prayer of striking down Section 3(c) does not survive as on date, Office shall now list the writ petition before the appropriate Single Bench.

Ordered accordingly.

JUDGE

JUDGE

Comparing Assistant