

GAHC010247582025



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

Case No. : WP(C)/6391/2025

MD MOFIDUL ISLAM
SON OF LATE NURUZ ZAMAL, RESIDENT OF VILLAGE PUTHIKHAITY, P.O.-
RUPAHI, P.S. RUPAHIHAT, DISTRICT - NAGAON, ASSAM, PIN- 782125.

VERSUS

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

2:THE DIRECTOR OF HIGHER EDUCATION
KAHILIPARA
GUWAHATI- 781019
DISTRICT- KAMRUP (METRO)
ASSAM.

3:THE GOVERNING BODY

REPRESENTED BY ITS PRESIDENT
RUPAHI COLLEGE
P.O.- RUPAHI
DISTRICTNAGAON
ASSAM
PIN- 782125

4:THE PRINCIPAL
RUPAHI COLLEGE
P.O.- RUPAHI
DISTRICT- NAGAON
ASSAM
PIN782125

5:THE SELECTION COMMITTEE

CONSTITUTED FOR THE SELECTION OF ASSISTANT PROFESSOR
DEPARTMENT OF POLITICAL SCIENCE IN RUPAHI COLLEGE
P.O.- RUPAHI
DISTRICT- NAGAON
ASSAM
PIN- 782125 AND REPRESENTED HEREIN BY ITS CHAIRMAN.

6:MS SUJATA BURAGOHAIN
DAUGHTER OF SUREN BURAGOHAIN
RESIDENT OF VILLAGE- LALIMSIGA
P.S.- AMGURI
DISTRICT- SIVASAGAR
ASSAM
PIN-785680

Advocate for the Petitioner : MR. A BHATTACHARJEE, MR. D J KAPIL

Advocate for the Respondent : SC, HIGHER EDU,

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

14.11.2025

Heard Mr. D. J. Kapil, learned counsel for the petitioner and Mr. A. R. Tahbildar, learned Standing Counsel for the respondent Nos. 1 & 2.

2. Pursuant to the order of this Court, dated 12.11.2025, the learned counsel for the petitioner has filed an additional affidavit, enclosing the OBC Certificate of the petitioner.

3. In this petition, under Article 226 of the Constitution of India, the petitioner has prayed for setting and aside and quashing the Governing Body Resolution, dated 31.10.2025, passed by the respondent No. 3, recommending the name of the respondent No. 6, for appointment to the post of Assistant Professor in

Political Science, Rupahi College, Nagaon; and also, to direct the respondent Nos. 2-4 to adhere to the mandatory norms, prescribed by the Government of Assam, vide Office Memorandum No. DHE/CE/Misc/49/2021/113, dated 29.01.2022 and to recommend the petitioner for being appointed to the post of Assistant Professor in Political Science, Rupahi College, Nagaon.

4. The grievance of the petitioner is that pursuant to an advertisement issued by the Rupahi College, Nagaon, for filling up a post of Assistant Professor in Political Science (reserved for OBC/MOBC candidates), the petitioner responded to the same by submitting one application and he also appeared in the interview, held on 07.10.2024. Thereafter, he was informed by the Selection Committee that he had not been awarded marks for his B.A. (General) degree and HSLC examination and thereafter, he filed one complaint on 14.10.2024, to the Director of Higher Education, the respondent No. 2 herein, who had passed one speaking order on 16.08.2025, wherein, it was confirmed that the petitioner was entitled to those marks, and if the said marks are counted, then the total marks of the petitioner would come to 70 points. However, the governing body of the Rupahi College, vide Resolution, dated 31.10.2025, recommended the name of the respondent No. 6, who had secured only 65.5 marks. Being aggrieved, the petitioner had approached this Court by filing the present petition, seeking the relief as aforesaid.

5. The learned counsel for the petitioner submits that the recruitment process may be stayed at this stage and the respondent authorities may be directed to file their affidavit.

6. However, Mr. Tahbildar, learned Standing Counsel for the respondent Nos. 1 & 2, referring to the speaking order, passed by the Director of Higher Education

on 16.08.2025, submits that this writ petition is pre-mature at this stage and even if the name of the respondent No. 6 is recommended by the Governing Body, then also the Director will examine the entire matter and only thereafter, he will accord his approval to the same.

7. However, taking note of the submission of the learned counsel for both the parties, it is provided that Mr. Tahbildar, learned Standing Counsel for the respondent Nos. 1 & 2 shall obtain instruction, regarding the selection process and place the instruction before this Court, on **21.11.2025**.

JUDGE

Comparing Assistant