

GAHC010250762022



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

Case No. : WP(C)/8222/2022

DR. AKRAM CHANDRAJIT SINGHA
SON OF AKRAM CHANDRAMANI SINGHA,
R/O- HOUSE NO. 201, ITKHOLA,
DISTRICT- CACHAR, ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY,
TO THE GOVT. OF ASSAM,
HIGHER EDUCATION DEPARTMENT,
DISPUR, GUWAHATI- 6, ASSAM.

2:THE DIRECTOR
HIGHER EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19.

3:THE GOVERNING BODY
CACHAR COLLEGE
SILCHAR
TRUNK ROAD
SILCHAR- 788001
ASSAM.
(REPRESENTED ITS PRINCIPAL/ SECRETARY).

4:THE SELECTION COMMITTEE
CACHAR COLLEGE
SILCHAR
TRUNK ROAD
SILCHAR- 788001

ASSAM.

5:DR. ATANU NATH
S/O- BIRENDRA KUMAR NATH

HOUSE NO. 80
S.P. ROAD
LALA

DIST.- HAILAKANDI
PIN- 788163

Advocate for the Petitioner : MR. S P CHOUDHURY

Advocate for the Respondent : SC, HIGHER EDU

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

05/01/2023

Heard Ms. B Devi, learned counsel for the petitioner and Mr. S Das, learned Standing counsel, Higher Education Department for the respondent Nos. 1 & 2.

By an order dated 06.08.2022 passed in WP(C) No. 5112/2022 preferred by the petitioner, the Court directed the petitioner to submit a representation enclosing all the relevant documents along with a copy of the said writ petition and the annexures appended thereto before the Director of Higher Education, Assam, within a period of 1 (one) week and on receipt of the representation, the said Director was directed to hear the petitioner in person along with the respondent No. 5 therein, namely, Dr. Atanu Nath and thereafter, to pass a final order for appointment of Assistant Professor of Physics in Cachar College, Cachar, Silchar by taking into consideration the Office Memorandum dated 24.01.2022 issued by the Higher Education Department of the State within a period of 3 (three) weeks from the date of receipt of the representation.

The petitioner submitted her representation before the Director of Higher Education, Assam on 10.08.2022 that was received by the office of the said Directorate on 11.08.2022.

Since, the Directorate of Higher Education, Assam did not pass any order on the representation of the petitioner received by it on 11.08.2022, the petitioner has preferred this writ petition.

The contention of the petitioner in his said WP(C) No. 5112/2022 was that the selection committee while selecting said Atanu Nath as an Assistant Professor of Physics in Cachar College, Cachar, Silchar could not have allotted marks for his teaching experience in terms of the Office Memorandum dated 24.01.2022 of the State Government in the Higher Education Department since said Atanu Nath had no teaching experience at the time of filing of the application for the said post.

By an order dated 21.12.2022, the Court directed the Director of Higher Education, Assam to apprise the Court as to whether the petitioner submitted any representation before the said authority in terms of the order dated 06.08.2022 passed in WP(C) No. 5112/2022 and if so, the up to date status of the said representation of the petitioner, fixing the matter today.

During the deliberation of the matter, the Director of Higher Education, Assam vide communication No. DHE/CE/AC/NET/SLET/158/2022/251 dated 04.01.2023 through the learned Standing counsel, Higher Education Department, Mr. S Das placed before the Court that the Principal of Cachar College vide letter dated 25.05.2022 submitted the proposal for appointment of Dr. Atanu Nath as Assistant Professor in the Department of Physics vice Dr. Ashish Bhattacharjee, retired and that in view of the order dated 06.08.2022 passed in WP(C) No. 5112/2022, the said Directorate have issued a letter to the Principal of Cachar College, Cachar, Silchar to re-verify the selection process pertaining to the post of Assistant Professor of Physics in Cachar College in terms of the Advertisement dated 21.02.2022 with regard to the allotment of marks on teaching experience and others and asked to re-submit the proposal for necessary action.

It is submitted by the Director of Higher Education, Assam that vide communication dated 04.01.2023, the authorities of the Cachar College was informed in that regard.

The Court have noticed that the Director of Higher Education, Assam in his communication dated 04.01.2023 is silent as to whether the petitioner preferred any representation before it in terms of the order dated 06.08.2022 passed in WP(C) No. 5112/2022 or not and if so, the status of the same.

List this matter on **02.02.2023**, enabling the Director of Higher Education, Assam to place the relevant instructions in the matter.

Copy of the communication dated 04.01.2023 issued by the Director of Higher Education, Assam placed before the Court today by Mr. S Das, learned Standing counsel, Higher Education Department be kept as part of the record.

Copy of this order be furnished to Mr. S Das, learned Standing counsel, Higher Education Department for his necessary use.

JUDGE

Comparing Assistant