

GAHC010263352025



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

Case No. : WP(C)/6968/2025

ANJUWARA KHATUN
W/O-ABDUR ROSHID,
VILL-MAYER CHAR PT-II,
P.O-NAYER ALGA, PS-BILASIPARA,
DIST-DHUBRI, ASSAM PIN 783349

VERSUS

THE STATE LEVEL SCRUTINY COMMITTEE
REPRESENTED BY THE DIRECTOR OF ELEMENTARY EDUCATION
DEPARTMENT, ASSAM, KAHILIPARA, GUWAHATI-19

2:THE STATE OF ASSAM
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM
EDUCATION ELEMENTARY DEPARTMENT
DISPUR
GUWAHATI-6

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

4:THE DISTRICT SCRUTINY COMMITTEE FOR ELEMENTARY EDUCATION
REPRESENTED BY ITS CHAIRMAN CUM DEPUTY COMMISSIONER OF
DHUBRI DISTRICT
ASSAM. PIN-783301

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER
DHUBRI
DIST- DHUBRI
ASSAM. PIN-783301.

6:THE BLOCK ELEMENTARY EDUCATION OFFICER
BILASIPARA
DIST-DHUBRI
ASSAM. PIN-783349

7:THE HEAD MASTER CUM SCRETARY
UTTAR GHUNIMARI L.P SCHOOL
VILL- MAYER CHAR PART-II
P.O- NAYER ALGA
P.SBILASIPARA
DIST- DHUBRI
ASSAM. PIN78334

Advocate for the Petitioner : MR. M U MAHMUD, MR S H MAHMUD,MR. M ALI

Advocate for the Respondent : GA, ASSAM, SC, ELEM. EDU

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

10.12.2025

Heard Mr. N. Deka, learned counsel for the petitioners. Also heard Mr. S. Das, learned standing counsel, Higher Education Department, appearing for the respondent Nos.2—4, Mr. G. Pegu, learned Additional Senior Government Advocate, appearing for the respondent No.1 and Ms. M. Das, learned counsel appearing on behalf of Mr. P. Mahanta, learned standing counsel, Bar Council, for the respondent No.5.

In this petition under Article 226 of the Constitution of India, the petitioner has challenged the letter dated 04.11.2025 issued by the respondent No.3 (Annexure-IX) and also to hold that the press release dated 13.08.2025 and the Rules of Legal Education, Moratorium (Three years Moratorium) with respect to Centres of Legal Education, 2025 is not applicable to the petitioner university and also to direct the State respondents to immediately issue No Objection Certificate to the petitioner university to commence 5 years integrated law course, which has already been recommended by the respondent

Nos.3 and 4 in the Inspection Report and which has duly been recognized by the respondent No.5.

Mr. Deka, learned counsel for the petitioners submits that the petitioner University was established by the Girijananda Chowdhury University, Assam Act, 2022 and it received the approval of statutory bodies like the University Grants Commission and the All India Council for Technical Education etc. Mr. Deka also submits that thereafter, the University, vide its letter dated 06.12.2024, applied for grant of NOC for establishment of a five year Integrated Law course, pursuant to which the State respondents through the respondent No. 4 conducted an inspection and thereafter, the respondent No. 3, on the basis of the inspection report, arrived at the conclusion that the University fulfilled all the criteria for opening the five year Integrated Law course and as such, NOC may be issued. Mr. Deka further submits that the Bar Council of India, which is the statutory body for granting recognition to law courses, vide letter dated 16.07.2025, duly granted recognition to the petitioner University for conferring degrees in law, and thereafter, the petitioner has filed two representations to the State respondent to expedite the process of grant of NOC, but on 04.11.2025 the respondent No.2 had written a letter enclosing a copy of press release dated 13.08.2025 of the BCI stating the same to be self explanatory.

Mr. Deka submits that the press release issued by the respondent No. 5 pertains to three years moratorium for the grant of approval for setting up new law colleges. But, the same clearly states that pending applications would be considered as per law and in view of above, the moratorium is not applicable in the case of the petitioner. The submission of Mr. Deka needs further consideration.

At this stage, notice be issued to the respondents, returnable within 2(two) weeks.

However, no formal notice is required to be issued to the respondents, as all the respondents duly represented by their engaged counsel. But, extra requisite copy of the petition be served upon the learned counsel appearing for the respondents during the course of the day.

List the matter after 2(two) weeks.

It is being clarified here that pendency of this petition would not be bar in granting NOC by the State respondents.

Sd/- *Robin Phukan*
JUDGE

Comparing Assistant