

GAHC010262042025



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

Case No. : WP(C)/6681/2025

MD. YAMIN HASSAN
S/O- LATE EMDADUL HAQUE, R/O - COLLEGE NAGAR, P.O AND P.S -
MANKACHAR, DIST- SOUTH SALMARA MANKACHAR, ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS
THROUGH THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT
OF ASSAM, HIGHER EDUCATION DEPARTMENT, DISPUR, GUWAHATI
-781006.

2:THE DIRECTOR OF HIGHER EDUCATION
KAHILIPARA
ASSAM
GUWAHATI- 781019.

3:THE UNIVERSITY GRANT COMMISSION
REPRESENTED BY ITS SECRETARY
BAHADUR SHAH JAFAR MARG
NEW DELHI - 110002.

4:THE GOVERNING BODY
REPRESENTED BY ITS PRESIDENT
MANKACHAR COLLEGE
P.O. AND P.S. MANKACHAR
DISTRICT SOUTH SALMARA MANKACHAR
ASSAM. PIN 783131

5:THE SELECTION COMMITTEE FOR SELECTION OF PRINCIPAL
MANKACHAR COLLEGE
REPRESENTED BY ITS CHAIRMAN CUM VICE CHANCELLOR
GAUHATI UNIVERSITY
P.O. AND P.S. MANKACHAR
DISTRICT- SOUTH SALMARA MANKACHAR

ASSAM. PIN - 783131

6:SCRUTINY COMMITTEE
GAUHATI UNIVERSITY FOR SELECTION TO THE POST OF PRINCIPAL
MANKACHAR COLLEGE
JALUKBARI
GUWAHATI-. 781014.

7:DR. IBRAHIM MANDAL
S/O- LATE ABUL MANDAL
R/O- VILLAGE-JHAWDANGA
P.O- MANKACHAR
DIST- SOUTH SALAMARA MANKACHAR
ASSAM
PIN- 783131

Advocate for the Petitioner : MR. R P SARMAH, MR I HASSAN
Advocate for the Respondent : SC, HIGHER EDU, SC, G U,SC, U G C

BEFORE

HON'BLE MR. JUSTICE NELSON SAILO

O R D E R

25.11.2025

Heard Mr. R.P. Sarmah, learned senior counsel assisted by Mr. I. Hasan, learned counsel for the petitioner, who submits that the petitioner is aggrieved with the Notice dated 15.11.2025 (Annexure-20) issued by the President of the Governing Body, Mankachar College, Mankachar, wherein the petitioner has not been recommended to face the interview on the ground that he does not fulfil the eligibility criteria as per the UGC guidelines.

It is the case of the petitioner that in the earlier round of advertisement for the post of Principal of Mankachar College, the petitioner had participated in the selection process and despite having adequate merit, one Dr. Azibur Rahman was instead selected and the petitioner was placed at second position.

Aggrieved, the petitioner filed WP(C) No.5045/2024, which is still pending as on date. However, Dr. Azibur Rahman has expired and therefore, the college authorities have resorted to issuing of fresh advertisement on a Local Daily dated 29.05.2025 (Annexure-17).

The petitioner again responded to the advertisement, but by the impugned Notice dated 15.11.2025, his candidature for interview has not been accepted. Mr. R.P Sarmah, learned senior counsel submits that while the petitioner was found eligible to participate in the earlier round of advertisement, it is surprising to know that in the second round of advertisement, he has been found to be not qualified. He therefore, submits that the impugned Notice dated 15.11.2025 should be set aside and the petitioner allowed to participate in the interview process which is going to be held any moment.

The learned senior counsel further submits that the writ petitioner has also challenged the fresh advertisement dated 29.05.2025 by filing WP(C) No.3018/2025 and the same is pending consideration as on today. This Court vide order dated 02.06.2025 had directed that the petitioner may submit his candidature in the recruitment process initiated through advertisement dated 29.05.2025, but without prejudice to his right in WP(C) No.5045/2024. This Court further provided that no final decision for appointment should be taken in the new recruitment process without taking leave of the Court. He therefore, submits that the respondent authorities could not have proceeded to reject the candidature of the petitioner through the impugned Notice dated 15.11.2025.

In view of above, let notice of motion be issued returnable by two weeks.

Mr. S. Das, learned Standing Counsel, Higher Education Department accepts notice on behalf of respondent Nos. 1 & 2, while Mr. P.J. Phukan, learned Standing Counsel, Gauhati University accepts notice on behalf of respondent Nos. 5 & 6 and Ms. K. Borpujari, learned counsel appearing on behalf of Mr. A. Chamuah, learned Standing Counsel, UGC accepts notice on behalf of respondent No.3.

Petitioner to serve requisite copies of the writ petition to the learned counsels appearing for the respondents today within two working days.

Petitioner is permitted to serve notice on respondent No.4 by way of Dasti through the Registry of this Court within a week and thereafter, submit an affidavit as proof of service.

In respect of respondent No.7, notice be served through registered post with A/D within three days.

List the matter on 10.12.2025 along with WP(C) No.3018/2025 and WP(C) No.5045/2024.

It is once again provided herein that the respondent authorities shall not finalize the selection to the post in question without leave of this Court.

JUDGE

Comparing Assistant