

GAHC010014112016



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

Case No. : WP(C)/2537/2016

NAZIMA KHATUN
D/O. MD. ISMAT ALI, VILL. RAMPUR SATRA, P.O. KADAMONI, P.S.
BATADRABA, DIST. NAGAON, ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS
THROUGH- THE SECY., TO THE GOVT. OF ASSAM, EDUCATION
SECONDARY DEPTT., DISPUR, GHY.-781006.

2:THE DIRECTOR

MADRASSA EDUCATION
ASSAM
KAHILIPARA
GHY.-781019.

3:THE SELECTION COMMITTEE

REP. BY ITS CHAIRMAN
SOLMARI SR. MADRASSA
VILL. and P.O. SOLMARI
PIN-782002
DIST. NAGAON
ASSAM.

4:THE SUPDT./MEMBER SECY.

SELECTION COMMITTEE
SOLMARI SR. MADRASSA
VILL. and P.O. SOLMARI
PIN-782002

DIST. NAGAON
ASSAM.

5:MD. SHARIFUL ISLAM

S/O. ABDUL HALIM
VILL. LAWGAON-I
P.O. and P.S. SOLMARI
PIN-782002
DIST. NAGAON
ASSAM

Advocate for the Petitioner : MR.A DAS

Advocate for the Respondent : MR.A S CHOUDHURYR-5

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO
ORDER**

Date : 18-10-2023

Heard Ms. U Nanda, learned counsel for the petitioner and Mr. A Hussain, learned counsel for the respondent No. 5. Also heard Ms. D Musahary, learned Standing Counsel, Secondary Education Department. Considering the nature of grievances projected by the writ petitioner and also the pleadings filed by the parties, the writ petition is taken up for disposal at the admission stage.

The grievance of the petitioner is that she applied for the post of Librarian in Solmari Senior Madrassa in terms of the advertisement dated 09.12.2015 issued by the respondent No. 2. According to the petitioner, she was one of the most meritorious applicant for the post but the authorities concerned instead recommended and selected the respondent No. 5 for the said post. According to the petitioner, the respondent No. 5 is the son of the Superintendant of the Institution and therefore, undue favoritism has been shown to him.

In response to the writ petition, the respondent No. 5 has filed counter affidavit

and Mr. A Hussain, learned counsel representing the respondent No. 5 has drawn the attention of the Court to the composition of the Selection Committee, which is annexed as Annexure-6 to the counter affidavit. He submits that they were as many as seven members in the Selection Committee including the President of said Committee. He submits that the father of the respondent No. 5 no doubt was a Superintendant of the Institution but he was not a part of the Selection Committee. He, therefore, submits that the allegation of the writ petitioner is not correct. The learned counsel has drawn the attention of this Court to the attendance sheet, wherein the names and particulars of the candidates who applied for the post appear. The learned counsel submits that the respondent No. 5 appeared for the selection and his name is at serial No. 11. As for the petitioner, her name appears at serial No. 18 and that she is shown as absent in view of the fact that she did not appear for the selection. He, therefore, submits that having not participated in the selection process, the petitioner has no *locus standi* to challenge the appointment of respondent No. 5.

Upon hearing the parties and upon perusal of the materials available on record, this Court is of the view that there is force in the submission of the learned counsel for the respondent No. 5. The petitioner without having participated in the selection process cannot be said to have any legitimate right to challenge the appointment of the respondent No. 5. Moreover, the allegation that father of the respondent No. 5 was a member of the Selection Committee is also found to be not true from the constitution of the Selection Committee which has been annexed to the counter affidavit.

Thus, this Court finds no merit in the writ petition and accordingly, the same is dismissed.

JUDGE

Comparing Assistant