

GAHC010024372021



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

Case No. : WP(C)/896/2021

GOLAM MUSTAFA
S/O. LT. TAHER ALI, R/O. OLD BAKURPARA, P.O. GOALPARA, DIST.
GOALPARA, ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, HIGHER
EDUCATION DEPTT., ASSAM, DISPUR, GUWAHATI-06, DIST. KAMRUP,
ASSAM.

2:DIRECTOR OF HIGHER EDUCATION

ASSAM
KAHILIPARA
GUWAHATI-19
DIST. KAMRUP
ASSAM.

3:DEPUTY COMMISSIONER

GOALPARA
P.O. GOALPARA
DIST. GOALPARA.

4:PRINCIPAL
PANDIT DEENDAYAL UPADHYA ADARSHA MAHAVIDYALAYA
AMJONGA
GOALPARA
DIST. GOALPARA.

5:NAZARAT OFFICER

GOALPARA

P.O. GOALPARA
DIST. GOALPARA

For the Petitioner(s) : Ms. S. Chakraborty, Advocate

For the Respondent(s) : Ms. P. R. Mahanta, Advocate
: Ms. S. Baruah, Advocate

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 23.08.2023

1. The instant writ petition has been filed by the Petitioner seeking a direction upon the Respondents and more particularly to the Respondent No.3 for release of an amount of Rs.85,362/- which the Petitioner incurred from his own pocket during the recruitment process of the Assistant Professor and official staffs in Pandit Deendayal Upadhyaya Adarsha Mahavidyalaya.

2. The facts as could be seen from the writ petition are that the Petitioner while working as the Senior Assistant of the Personal Branch in the Office of the DC, Goalpara, upon being instructed by the Deputy Commissioner, Goalpara and in consultation with the Principal of Pandit Deendayal Upadhyaya Adarsha Mahavidyalaya kept the recruitment fund in his office in the DDMA Account as PDUMA Mahavidyalaya was a new one and due to non-availability of bank account, the bank drafts of the examination fees was kept in DDMA Account of the Deputy Commissioner's office. However, at the time when the selection proceedings were initiated, there was no fund for which at the request of the Respondent Nos. 4 and 5, the Petitioner made arrangement of the money from his own source i.e. an amount of Rs.85,362/- and completed the recruitment

process smoothly. It is also stated that after completion of the selection procedure, the Director of Higher Education, Assam had issued instruction to incur the expenditure from the Bank drafts as received for examination fee at the time of recruitment. However, the Petitioner on various occasions approached the Respondent No.3 for release of the said amount but the said amount has not been released for which the instant writ petition has been filed. It appears from the records that this Court had issued notice on 17.02.2021. But till date, no affidavit has been filed by the Respondent Authorities.

3. This Court upon perusal of the materials on record, more particularly Annexure B and C, is of the opinion that if the Petitioner had incurred the said amount of Rs.85,362/- for the purpose of carrying out the recruitment process out of his own money and there being a direction from the Director of Higher Education for release of the said money from the bank drafts received as examination fee which were kept in the District Commissioner's account, the Petitioner is entitled to the said amount. This however would require certain verifications to be carried out at the level of the Respondent No.3.

4. Accordingly, this Court therefore disposes of the instant writ petition with a direction to the Respondent No.3 to carry out a verification as to whether the Petitioner had duly spent the said amount of Rs.85,362/- for the purpose of recruitment to the post of Assistant Professor and official staffs in PDUMA Mahavidyalaya which was held in the month of June, 2017. If it is found upon verification that the Petitioner had spent the said amount, the said amount be paid by the Respondent No.3.

5. The said exercise be completed within a period of 3 (three) months from the date a certified copy of the instant order is served upon the Respondent No.3.

6. The Petitioner is further directed to submit all the necessary documents before the Deputy Commissioner, Goalpara which would show that he had incurred the said expenditure towards the holding of the said recruitment process.

7. With above observations and directions, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant