

GAHC010064322023



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

Case No. : I.A.(Civil)/816/2023
in
WP(C) 1493/2023

DR. DEVARSHI KASHYAP AND 6 ORS
SON OF- HARESWAR MAHANTA,
RESIDENT OF - HOUSE NO. 9, PALASH PATH,
ZOO ROAD, P.O.- AIDC, P.S.- GEETANAGAR,
DISTRICT- KAMRUP(M), ASSAM,
PIN- 781024.

2: CHIRANJIB DAS
SON OF - ANIL CHANDRA DAS

RESIDENT OF - QUEENS GARDEN APARTMENT

FLAT 1/C
BELTOLA TINIALI

P.O.- BELTOLA
P.S.- BASISTHA

DISTRICT- KAMRUP(M)
ASSAM

PIN- 781028.

3: ANIRBAN SAHA
SON OF- DHIREN CHANDRA SAHA

RESIDENT OF- GAURIPUR
NEAR CHILDREN PARK

P.O. AND P.S.- GAURIPUR

DISTRICT- DHUBRI

ASSAM

PIN- 783331.

4: PIYUSH SINGH
SON OF - LT. BABAN SINGH

RESIDENT OF- A.T. ROAD
DHEKIAJURI

P.O. AND P.S.- TINSUKIA

DISTRICT- TINSUKIA
ASSAM

PIN- 786125.

5: NIRANJAN JYOTI BORAH
SON OF - KUSHESWAR BORAH

RESIDENT OF- OLD AMULAPATTY
BHUBENSWAR BORBORA PATH

P.O.- BENGENAKHUA

P.S.- GOLAGHAT
DISTRICT- GOLAGHAT

ASSAM
PIN- 785702.

6: DR. RHITTIKRAJ MOUDGOLLYA
SON OF- GOLAP CHANDRA SARMA

RESIDENT OF WARD NO.-10
KAMPUR TOWN

P.O. AND P.S.- KAMPUR

DISTRICT- NAGAON
ASSAM

PIN- 782426.

7: GOLAM IMRAN HUSSAIN
SON OF - AMIR ALI

RESIDENT OF- SINGIMARI

P.O.- KHANDAJAN

P.S.- SIPAJHAR

DISTRICT- DARRANG
ASSAM

PIN- 784145

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY, GOVT. OF ASSAM,
HIGHER EDUCATION (TECHNICAL) DEPARTMENT, DISPUR, GUWAHATI- 6.

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
HIGHER EDUCATION (TECHNICAL) DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE DEPUTY SECRETARY TO THE GOVT. OF ASSAM
HIGHER EDUCATION (TECHNICAL) DEPARTMENT
DISPUR
GUWAHATI-6.

4:THE DIRECTOR OF TECHNICAL EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 19.

5:THE ASSAM ENGINEERING SERVICES RECRUITMENT BOARD
ASSAM TEXTILE INSTITUTE CAMPUS

GUWAHATI
ASSAM
PIN- 781001

REPRESENTED BY ITS CHAIRMAN.

6:THE SECRETARY
TECHNICAL EDUCATION

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

SHASTRI BHAWAN
NEW DELHI- 110001.

7:THE NATIONAL PROJECT IMPLEMENTATION UNIT
(UNDER THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT)

4TH FLOOR
EDCIL HOUSE

SECTOR- 16A
PLOT NO. 18A

NOIDA- 201301

REPRESENTED BY ITS CHAIRMAN

Advocate for the Petitioner : MR. J PATOWARY

Advocate for the Respondent : SC, HIGHER EDU

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

20-04-2023

Heard Mr. J. Patowary, learned counsel for the applicants and Mr. S. Das, learned Standing counsel, Department of Higher Education, Assam for the respondent/opposite party Nos. 1 to 5.

Earlier the applicants as the petitioners, Assistant Professors serving on contractual basis in different Government Engineering Colleges of the State under the Project called "Technical Education Quality Improvement Project-III" (TEQUIP) preferred the connected writ petition being WP(C) No. 1493/2023 seeking preferential marks towards their teaching experiences pertaining to the advertisement for the posts of Assistant Professors in the Government Engineering Colleges of Assam issued by the Chairman of the Assam Engineering Service Recruitment Board vide Notice No. AESRB/022/2022/248 dated 21.02.2023.

Said WP(C) No. 1493/2023 preferred by the applicants as petitioners, was disposed of on 17.03.2023 at the motion stage itself.

By this interlocutory application, the applicants/petitioners have prayed for

modification/alteration or correction of the typographical error that occurred in the order dated 17.03.2023 passed in said WP(C) No. 1493/2023.

The applicants submitted that in the 4th line at Para 5 of said order dated 17.03.2023 passed in the connected WP(C) No. 1493/2023, it was wrongly typed as "they were discharged from said engagements."

The applicants stated that said observation made in the order dated 17.03.2023, noted above, is inadvertently typed since in said WP(C) No. 1493/2023 at Annexure-5 series, it was placed before the Court that the respondent authority i.e., the Director of Technical Education, Assam with the approval of the Government retained the applicants/petitioners as Assistant Professors extending their services against sanctioned vacant posts in the Government Engineering Colleges of the State.

As such, Mr. Patowary, learned counsel for the applicants/petitioners submitted that said observation needs to be modified or corrected.

With regard to the last 2 lines at para 13 of said order dated 17.03.2023 passed in said WP(C) No. 1493/2023, Mr. Patowary, learned counsel for the applicants/petitioners brought to the notice of the Court that "marks towards per year of teaching to the maximum 25 marks in proficiency test" was not the submission of the petitioners, but such marks are to be given to them towards their "teaching experience". As such, Mr. Patowary submitted that in place of "proficiency test" it should be corrected as "teaching experience".

On perusal of the records of said WP(C) No. 1493/2023 disposed of on 17.03.2023, from its Annexure-5 series, it is seen that the services of the applicants/ petitioners as Assistant Professors on contractual basis had been extended by the Director of Technical Education, Assam on the approval of the Government of Assam.

Accordingly, in the 4th line at Para 5 of said order dated 17.03.2023 passed in said WP(C) No. 1493/2023, instead of "they were discharged from said engagements", it shall be read as "their services have been extended by the Director of Technical Education, Assam as Assistant Professors on contractual basis as per the approval of the State Government."

From the advertisement issued vide Notice dated 21.02.2023 for the posts of Assistant Professors in the Government Engineering Colleges of Assam, Annexure-6 annexed in said WP(C) No. 1493/2023, it is seen that 25 marks have been allotted towards Teaching Proficiency Test.

As such, in the last portion at para 13 of the said order dated 17.03.2023 passed in the connected WP(C) No. 1493/2023, in place of "..... regarding allotment of 5 (five) marks towards per year of teaching to the maximum 25 marks in proficiency test", shall be read as "..... regarding allotment of 5 (five) marks towards per year of teaching to the maximum of 25 marks towards their teaching experience."

This order shall be read together with the order dated 17.03.2023 passed in said WP(C) No. 1493/2023.

With the above correction/modification, this interlocutory application stands allowed to the extent above.

JUDGE

Comparing Assistant