

GAHC010079342023



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

Case No. : WP(C)/2296/2023

MANINDRA NATH ROY
S/O LATE HARAKANTA ROY, PROFESSOR, DEPARTMENT OF EXTENSION
EDUCATION, COLLEGE OF VETERINARY SCIENCE, ASSAM
AGRICULTURAL UNIVERSITY, KHANAPARA, GUWAHATI-22.

VERSUS

1.STATE OF ASSAM,
REPRESENTED BY THE SECRETARY TO THE GOVT OF ASSAM,
DEPARTMENT OF AGRICULTURE, DISPUR, GUWAHATI-781006.

2:THE VICE CHANCELLOR,
ASSAM AGRICULTURE UNIVERSITY, JORHAT
PIN-785013.

3:THE REGISTRAR,
ASSAM AGRICULTURAL UNIVERSITY, JORHAT
PIN-785013.

4:THE DEAN,
FACULTY OF VETERINARY SCIENCE,
ASSAM AGRICULTURAL UNIVERSITY,
KHANAPARA, GUWAHATI-781022.

5:DR. B. N SAIKIA, DEAN,
FACULTY OF VETERINARY SCIENCE,
ASSAM AGRICULTURAL UNIVERSITY,
KHANAPARA, GUWAHATI-78102

For the Petitioner : Mr. N. Nath, Advocate.
Ms. D. Borah, Advocate.

For the Respondent(s) : Mr. B. Choudhury, Standing Counsel, Agriculture Department for respondent No.1.

Mr. K.P. Pathak, Standing Counsel, AAU, for respondent Nos.2 to 4.

- B E F O R E -

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

17.07.2023

The petitioner has approached this Court by way of this writ petition seeking the following relief(s):

- (i) *A writ of Certiorari or a writ in the nature of Certiorari be issued directing the Respondent authorities to produce all documents/papers leading to appointment of the 5th Respondent as in-charge Head, Extension Education Department so that conscionable justice could be done by quashing the order dated 23.09.2022.*
- (ii) *A writ of Certiorari or a writ in the nature of Certiorari be issued quashing the impugned Notification dated 13-02-2023 issued by the 3rd Respondent calling for application from teacher in the rank of Professor for appointment as Head of various department.*
- (iii) *A writ of Mandamus or a writ in the nature of Mandamus be issued directing the Respondent authorities to appoint the Petitioner as Head Extension Education Department, College of Veterinary Science, Assam Agricultural University, Khanapara forthwith.*
- (iv) *A declaration that Statute 2 of Chapter IV of the First Statute under Assam Agricultural University Act is ultra vires the Article 14 and 16 of the Constitution of India as well as Assam Agricultural University Act thus null and void.*
- (v) *Such other writ, order or orders as your Lordship may deem fit and proper to give complete justice to the Petitioner in the*

circumstances of the case.

We have heard the arguments advanced by learned counsel Mr. N. Nath representing the petitioner and Mr. B. Choudhury, learned Standing Counsel, Agriculture Department and Mr. K.P. Pathak, learned Standing Counsel, AAU representing the respondents.

We find that the petitioner seeks a direction to be appointed as the Head of Extension Education Department, College of Veterinary Science, Assam Agricultural University, Khanapara on the ground that no other qualified person is available for the post. However, the petitioner has filed on record certain communications which were issued from his side proposing to go on hunger strike unless so appointed on the post. There is genuine doubt in the mind of Court as to whether a person who displays such a conduct can be considered for being offered a post which entails significant administrative responsibility. Thus, we feel that the petitioner is not entitled to relief in exercise of extraordinary writ jurisdiction of this Court.

At this stage, Mr. N. Nath, learned counsel for the petitioner prays for liberty to withdraw the instant writ petition.

Hence, leaving the question regarding challenge to provisions of Statute 2 of Chapter IV of the First Statute under Assam Agricultural University Act open to be considered in any other suitable matter at a subsequent stage, the instant writ petition is disposed of as withdrawn.

JUDGE

CHIEF JUSTICE

Comparing Assistant