

GAHC010088802023



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

Case No. : I.A.(Civil)/1093/2023

LAXMI NARAYAN SETHI
S/O SRI RAMA CHANDRA SETHI, PROFESSOR, DEPARTMENT OF
AGRICULTURAL ENGINEERING, TRIGUNA SEN SCHOOL OF
TECHNOLOGY, ASSAM UNIVERSITY, SILCHAR, R/O- FLAT NO. 3D
HERITAGE TOWER, 1ST LINK ROAD, SILCHAR, DIST. CACHAR, ASSAM,
PIN- 788006.

VERSUS

THE ASSAM UNIVERSITY AND 4 ORS
ASSAM UNIVERSITY CAMPUS SILCHAR, CACHAR REPRESENTED BY ITS
VICE CHANCELLOR (VC). PIN- 788011.

2:THE REGISTRAR
ASSAM UNIVERSITY
ASSAM UNIVERSITY CAMPUS
SILCHAR
PIN- 788011.

3:THE CONTROLLER OF EXAMINATION
ASSAM UNIVERSITY
ASSAM UNIVERSITY CAMPUS
SILCHAR
PIN- 788011.

4:DR. AJITA TIWARI
ASSISTANT PROFESSOR
DEPARTMENT OF AGRICULTURAL ENGINEERING
ASSAM UNIVERSITY
ASSAM UNIVERSITY CAMPUS
SILCHAR. PIN- 788011.

5:DR. CHETEN KHOBRADE
ASSISTANT PROFESSOR
DEPARTMENT OF AGRICULTURAL ENGINEERING
ASSAM UNIVERSITY
ASSAM UNIVERSITY CAMPUS
SILCHAR. PIN- 788011

Advocate for the Petitioner : MR. M DUTTA
Advocate for the Respondent : SC, ASSAM UNIVERSITY

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

27.04.2023

Heard Mr. M K Choudhury, learned Senior counsel assisted by Mr. M Dutta, learned counsel for the applicant/writ petitioner and Ms. A Jha, learned counsel appearing on behalf of Mr. S C Keyal, learned Standing counsel, Assam University for the respondents.

2. The applicant as writ petitioner preferred the connected WP(C) No. 3842/2022, whereby the authorities in the Assam University removed him from all administrative functioning and allowed the respondent No. 4 & 6 to be the Head of the Department, Agricultural Engineering and as Dean of Schools, Triguna Sen School of Technology, respectively.

3. Though the Court earlier on 08.06.2022 in the connected WP(C) No. 3842/2022 issued notice to the respondents, but the same was issued for the respondent Nos. 1, 2 & 3 only i.e., the authorities in the Assam University but not on the private respondent Nos. 4 & 6 who took over charge on being appointed by the authorities in the Assam University after removing the petitioner from all the administrative services.

4. Hence, this application by the applicant for issuance of notice to the private respondent Nos. 4 & 6 in the connected WP(C) No. 3842/2022.

5. Learned Senior counsel, Mr. Choudhury placed before the Court a copy of the order dated 28.06.2022 passed in Writ Appeal No. 216/2022 preferred by the applicant with regard to the order dated 08.06.2022 passed in said WP(C) No. 3842/2022.

6. On perusal of the said order dated 28.06.2022 passed by the Hon'ble Division

Bench of this Court in Writ Appeal No. 216/2022, it is seen that the Court granted liberty to the applicant/writ petitioner to press the relief sought for in that appeal before the Single Judge.

7. From perusal of the order dated 08.06.2022 passed earlier in WP(C) No. 3842/2022, it is seen that the Court being satisfied issued notice to the respondents.

8. However, notice on the private respondent Nos. 4 & 6 was left out.

9. If the applicant as petitioner comes out successful in said WP(C) No. 3842/2022 then the respondent Nos. 4 & 6 shall have to be removed. As such those respondents are entitled for notice.

10. For the reasons above and considering the entire aspect of the matter, the Court is of the view that notice in the connected WP(C) No. 3842/2022 is required to be issued to the private respondent Nos. 4 & 6 of the said writ petition.

11. It is stated by the learned counsel for the applicant on instruction that the private respondent No. 5 i.e. the present opposite party No. 5 has been replaced and as such, no notice to the said respondent No. 5 needs to be issued.

12. After hearing the learned counsels for the parties and considering the entire aspect of the matter, this Interlocutory Application stands allowed to the extent above.

JUDGE

Comparing Assistant