

GAHC010088822023



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

Case No. : I.A.(Civil)/1100/2023

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

VERSUS

THE ASSAM UNIVERSITY AND 2 ORS
ASSAM UNIVERSITY CAMPUS SILCHAR, CACHAR REP. BY ITS VICE
CHANCELLOR (VC), PIN-788011.

2:THE EXECUTIVE COUNCIL

ASSAM UNIVERSITY
ASSAM UNIVERSITY CAMPUS SILCHAR
CACHAR REP. BY ITS VICE CHANCELLOR (VC)
PIN-788011.

3:THE REGISTRAR

ASSAM UNIVERSITY
ASSAM UNIVERSITY CAMPUS
SILCHAR
PIN-788011

Advocate for the Petitioner : MR. M DUTTA

Advocate for the Respondent : SC, ASSAM UNIVERSITY

Linked Case : WP(C)/8337/2022

LAXMI NARAYAN SETHI
S/O. LT. RAMA CHANDRA SETHI
PROFESSOR
DEPT. OF AGRICULTURAL ENGINEERING
TRIGUNA SEN SCHOOL OF TECHNOLOGY
ASSAM UNIVERSITY
SILCHAR (UNDER SUSPENSION) FLAT NO.3D HERITAGE TOWER
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ASSAM UNIVERSITY CAMPUS
SILCHAR
PIN-788011.

Advocate for : MR. M K CHOUDHURY

Advocate for : SC

ASSAM UNIVERSITY appearing for THE ASSAM UNIVERSITY AND 2 ORS

**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 is a Professor in the Assam University, Cachar, Silchar who has been placed under suspension by the authorities of the said university.

3. Being aggrieved with the E-mail dated 20.11.2022 as well as 19.12.2022 issued by the authorities of Assam University, during his suspension the petitioner preferred the connected WP(C) No. 8337/2022, which is presently pending for adjudication.

4. It is to be noted herein that said WP(C) No. 8337/2022 has been tagged along with WP(C) No. 3842/2022 as well as WP(C) No. 6218/2022, all preferred by the petitioner against the respondent Assam University and others, which are related to suspension of the petitioner from service by the respondent authorities in the Assam University as well as removing him from all the administrative charges of the said University.

5. The Court by order dated 22.12.2022 passed in the connected WP(C) No. 8337/2022, in the interim observed that the respondent Assam University shall not insist the written statement of defence from the petitioner with regard to the charge-sheet dated 04.11.2022 issued upon him by the authorities of the said university. The said interim order dated 22.12.2022 was extended from time to time till the order dated 01.03.2023 passed in said WP(C) No. 8337/2022, while allowing the respondent university to file its counter affidavit in the matter.

6. The respondent Assam University has filed its affidavit on 04.04.2023 in WP(C) No. 6218/2022.

- 7.** On 05.04.2023, when those writ petitions were listed, learned counsel for the writ petitioner/applicant took time to file his reply to the affidavit of the respondent university filed on 04.04.2023 in WP(C) No. 6218/2022 and accordingly, fixed the matters on 27.04.2023, i.e., today.
- 8.** Inadvertently there was no such prayer on the part of the writ petitioner for extension of the interim order dated 22.12.2022 that was passed earlier in said WP(C) No. 8337/2022.
- 9.** Hence, this application by the applicant/writ petitioner of WP(C) No. 8337/2022, WP(C) No. 6218/2022 and WP(C) No. 6218/2022 for extension of the interim order dated 22.12.2022 passed in said WP(C) No. 8337/2022.
- 10.** It is also seen that the petitioner has filed his reply to the affidavit of the respondent Assam University filed in WP(C) No. 6218/2022.
- 11.** After hearing the learned counsels for the parties and considering the entire aspect of the matter, the Court considered to extend the interim order passed earlier on 22.12.2022 in WP(C) No. 8337/2022 till the next date of listing of the said WP(C) No. 8337/2022 considering the fact that the respondent Assam University is yet to file its reply in the said WP(C) No. 8337/2022, wherein notice was already issued on 10.02.2023.
- 12.** Accordingly this Interlocutory Application stands allowed.

JUDGE

Comparing Assistant