

GAHC010127872023



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

Case No. : WP(C)/3447/2023

DHIRAJ KASHYAP AND ANR
S/O BRAJEN SARMA,
RESIDENT OF VILL- MAKELIKANDA,
P.O.- MESKAPUKHURI, DISTRICT- UDALGURI, ASSAM,
PIN- 784521.

2: ATIJI DAIMARY
S/O ANANTA DAIMARY

RESIDENT OF VILL- DOULCHUBA (BAGRIBARI)

P.O.- BHERGAON

DISTRICT- UDALGURI
ASSAM

PIN- 784522

VERSUS

THE STATE OF ASSAM AND 11 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
HIGHER EDUCATION DEPARTMENT,
DISPUR, GUWAHATI-6.

2:THE DIRECTOR
DEPARTMENT OF HIGHER EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 781019.

3:THE DIRECTOR OF EDUCATION
BTC

KOKRAJHAR.

4:THE SECRETARY
EDUCATION DEPARTMENT
KOKRAJHAR.

5:THE PRINCIPAL TANGLA COLLEGE
P.O.- CHAMPUPARA
PIN- 784521

UDALGURI
BTR
ASSAM.

6:GHATESWAR BARUAH
ASSO. PROFESSOR
TANGLA COLLEGE

TANGLA. PIN- 784531.

7:KRISHNA KT. BASUMATARY
ASST. PROFESSOR TEACHER REPRESENTATIVE
GB

PIN- 784521.

8:NARAYAN CH. SAHARIAH
HEAD ASSISTANT
TANGLA COLLEGE

PIN- 784521.

9:DILIP KUMAR BORO
PRESIDENT
GB
TANGLA COLLEGE

TANGLA PIN- 784521.

10:DR. ANJALI CHAKRAVARTY
ASSO. PROFESSOR TANGLA COLLEGE

TANGLA
PIN- 784521.

11:DR. PRASEN DAIMARI
ASSO. PROFESSOR TANGLA COLLEGE

PIN- 784521.

12:NABA KR. BORO
R/O- VILL- BONGAON
P.O.- MOUGAON
P.S.- KALAIGAON
DIST- UDALGURI
BTR, ASSAM, PIN- 784525

Advocate for the Petitioner : MR. D SARMAH
Advocate for the Respondent : SC, HIGHER EDU

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

16-06-2023

Heard Mr. D. Sarmah, learned counsel for the petitioner. Also heard Mr. A.R. Tahbildar, learned standing counsel, Higher Education Department, Higher Education Department, representing the respondent Nos. 1 and 2 and Ms. P. Das, learned counsel, appearing on behalf of Mr. P. Nayak, learned standing counsel, BTC, representing the respondent Nos. 3, 4 and 5.

The Principal of Tangla College, Udalguri (BTR) Assam, issued an advertisement calling for applications for filling up one post of Assistant Professor in Assamese, one post of Library Assistant, two posts of Grade-IV and one post of Library Bearer on 27-04-2022.

Pursuant to the advertisement, the petitioner applied for the post of Grade-IV. Thereafter, the Principal, Tangla College, Tangla, issued the call letter dated 27-03-2023 indicating that the interview will be held on 05-04-2023 and the said interview will consist of Written Test-30 marks; Experience-05 marks and Oral/Viva-15 marks, totaling to 50 marks. The petitioner, thereafter, appeared

before the interview board. The Tangla College published a consolidated statement of scores, wherein the petitioner is shown to have obtained 33.17 marks and the respondent No. 12 obtained 38.00 marks. Thereafter, the case of the respondent No. 12 was recommended for selection which is still pending for final decision of the Director, Higher Education Department.

The petitioner alleges that the consolidated statement of scores does not indicate the break-up of marks as indicated in the calling letter dated 27-03-2023 and, therefore, submits that there may be some malafide intention on the part of the interviewer to appoint the private respondent No. 12. Accordingly, the petitioner made a representation on 08-05-2023 before the Director, Department of Higher Education, respondent No. 2. The said representation is yet to be disposed of by the respondent No. 2 till date.

As the respondent No. 2 is yet to take a final decision in the matter, this writ petition is disposed of directing the respondent No. 2 to consider the representation dated 08-05-2023 made by the petitioner after giving personal hearing to the petitioner as well as the respondent No. 12 and, thereafter, take a final decision for appointment to the post of Grade-IV in Tangla College.

Let such exercise be completed within a period of two months from the date of receipt of a copy of this order.

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

JUDGE

Comparing Assistant