

GAHC010141272021



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

**Case No. : WP(C)/4563/2021**

DR. MANINDRA NATH RAY  
S/O LATE HARAKANTA RAY  
RESIDENT OF GRAND HILL APARTMENT, AHOMGAON, GUWAHATI, PS  
AND PO GARCHUK, ASSAM, 781035

VERSUS

ASSAM AGRICULTURAL UNIVERSITY AND 4 ORS  
REPRESENTED HEREIN BY ITS REGISTRAR, DIST JORHAT, ASSAM

2:THE REGISTRAR

ASSAM AGRICULTURAL UNIVERSITY JORHAT  
ASSAM

3:THE JOINT REGISTRAR  
ASSAM AGRICULTURAL UNIVERSITY  
COLLEGE OF VETERINARY SCIENCE  
KHANAPARA  
GUWAHATI 22

4:THE DEAN  
FACULTY OF VETERINARY SCIENCE  
ASSAM AGRICULTURAL UNIVERSITY  
KHANAPARA

5:BN SAIKIA  
DEAN  
FACULTY OF VETERINARY SCIENCE  
ASSAM AGRICULTURAL UNIVERSITY  
KHANAPAR

**Advocate for the Petitioner : MR S BORTHAKUR**

**Advocate for the Respondent : SC, AAU**

**BEFORE  
HONOURABLE MR. JUSTICE SUMAN SHYAM**

**ORDER**

**Date : 19/05/2023**

Heard Mr. P.H. Konwar, learned counsel for the writ petitioner. Also heard Mr. P. Kataki, learned Sanding Counsel, Assam Agricultural University (AAU), appearing for the respondent nos. 1 to 4 and Mr. B. Choudhury, learned counsel appearing for the respondent no. 5.

The writ petitioner herein is serving as a Professor in the department of Extension Education under the College of Veterinary Science, AAU. On 26/03/2021, the Dean of the University had issued a letter to the petitioner warning him not to repeat the mistake of failing to conduct the assigned class on 16/03/2021 from 8 – 9 a.m. Assailing the said communication, the instant writ petition has been filed, *inter-alia*, contending that the warning has been issued without following the due process of law. The petitioner's counsel has also argued that based on the said communication, an adverse entry will now be made in the ACR of the petitioner.

The aforesaid assertion of the petitioner has been stoutly denied by Mr. Kataki by submitting that there is no penalty imposed upon the petitioner and the communication dated 26/03/2021 is merely an warning, which is in the form of an advisory. Mr. Kataki further submits that there is no question of including any adverse entry in the ACR of the petitioner merely on the basis of the communication dated 26/03/2021 and, therefore, the allegations made in the writ petition are without any basis.

Similar is the stand of Mr. B. Choudhury, learned counsel for the respondent no. 5.

A plain reading of the communication dated 26/03/2021 (Annexure-C) leaves no room for

doubt that by taking note of the fact that the petitioner had failed to conduct a class on 16/03/2021 (BAE class) from 8-9 a.m., the Dean of the University i.e. the respondent no. 4 had issued an warning to him not to repeat the mistake of failing to conduct assigned class in future.

From the plain language employed in the communication dated 26/03/2021, it appears that the same in the nature of advisory to the petitioner. Therefore, this Court is unable to agree with the submission of the petitioner's counsel that the communication dated 26/03/2021 was stigmatic in any manner, more so, in view of the fact that the petitioner's counsel has not denied the fact that his client had failed to conduct the VAE class on 16/03/2021, without any just explanation.

In view of the above and considering the categorical assurance given by the learned Standing Counsel for the University that no adverse entry would be made in the ACR of the petitioner on such count, this writ petition stands disposed of as not maintainable in the facts of the case.

**JUDGE**

*sukhamay*

**Comparing Assistant**