

GAHC010179412023



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

Case No. : WP(C)/4698/2023

DHURBAJIT CHOUDHURY
S/O- ABHAY CHOUDHURY, ASSISTANT PROFESSOR (UNDER SUSPENSION)
DEPARTMENT OF MATHMATICS , DIBRUGARH UNIVERSITY, DIBRUGARH,
ASSAM, PIN- 786004 AND PERMANENT RESIDENT OF VILL.- BARBANG,
JAUTIPARA, DIST. BAJILI, ASSAM, PIN- 781325.

VERSUS

THE DIBRUGARH UNIVERSITY AND 3 ORS
REPRESENTED BY ITS REGISTRAR, DIBRUGARH, DIST. DIBRUGARH,
ASSAM, PIN- 786004.

2:THE VICE CHANCELLOR
DIBRUGARH UNIVERSITY
DIBRUGARH
ASSAM
PIN- 786004.

3:THE REGISTRAR
DIBRUGARH UNIVERSITY
DIST. DIBRUGARH
ASSAM
PIN- 786004.

4:THE JOINT REGISTRAR

JOINT REGISTRAR (ACADEMIC)
DIBRUGARH UNIVERSITY
DIST. DIBRUGARH
ASSAM
PIN- 786004

Advocate for the Petitioner : MR N SARMA

Advocate for the Respondent : SC, DIB. UNIVERSITY

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

21/08/2023

Heard Mr. H Bezbaruah, learned counsel for the petitioner and Ms. T Sarma, learned counsel appearing on behalf of Mr. R Mazumdar, learned Standing counsel, Dibrugarh University for the respondent Nos. 1 to 4.

2. Petitioner is an Assistant Professor in the Department of Mathematics at Dibrugarh University, Dibrugarh.

3. As the petitioner was arrested on 02.07.2020 in connection with Dibrugarh P.S. Case No. 1044/2020 under Sections 294(a)/500/506 IPC corresponding to G.R. No. 283/2020, the Registrar of Dibrugarh University by an office order dated 06.07.2020 placed the petitioner under suspension from the date of his detention on 02.07.2020 as per the provisions of the Dibrugarh University Teachers' Service Conditions Ordinance, 1974. Though, the petitioner was released on bail on 16.07.2020 in said Dibrugarh P.S. Case No. 1044/2020, but till date, he has not been reinstated in service.

4. Petitioner stated that on 30.09.2021, the authorities in the Dibrugarh University issued a charge-sheet to him under the provisions of the said Dibrugarh University Teachers' Service Conditions Ordinance, 1974 as amended to which he filed his reply.

5. It is further placed before the Court that on the prayer of the learned Public Prosecutor, Assam, vide petition No. 658/2023 under Section 321 of the Code of Criminal Procedure the learned Judicial Magistrate, First Class, Dibrugarh by order dated 01.03.2023 allowed the said application of the State, thereby the police case arising out of Dibrugarh P.S. Case No. 1044/2020 under Sections 294(a)/500/506 IPC corresponding to PRC Case No. 1503/2022 was allowed to be withdrawn and the petitioner was discharged from the said Dibrugarh P.S. Case No. 1044/2020.

6. It is placed before the Court that pursuant to the office order dated 06.07.2020 issued by the

Registrar, Dibrugarh University, the petitioner is still under suspension since his detention on 02.07.2020.

7. Considering the above, the petitioner is directed to file an appropriate representation before the Vice Chancellor of Dibrugarh University on or before 30.08.2023 stating his grievances for his reinstatement in service submitting the details along with the copy of the said order dated 01.03.2023 passed by the JMFC, Dibrugarh and a certified copy of this order.

8. In the event of filing such representation by the petitioner within the said specified time, as directed above; the same shall be disposed of by the Vice Chancellor of Dibrugarh University on or before 22.09.2023 in accordance with law considering the fact that though he was placed under suspension since 02.07.2020 pursuant to the office order dated 06.07.2020 issued by the Registrar, Dibrugarh University, but show cause notice was issued to him only on 30.09.2021, much beyond 90 days, in terms of the order of the Hon'ble Apex Court in the case of *Ajay Kumar Choudhury Vs. Union of India*, reported in (2015) 7 SCC 291.

9. With the above observation and direction, this writ petition stands disposed of.

JUDGE

Comparing Assistant