

GAHC010219522022



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

Case No. : I.A.(Civil)/3160/2022

MRIGEN BARMAN
R/O- BANEKUCHI,
P.O- BANEKUCHI,
P.S AND DIST- NALBARI, ASSAM, PIN-781340

VERSUS

PARISHMITA MISHRA AND 4 ORS
D/O- LATE PUTUL MISHRA, VILLAGE- KALITAPARA, P.O- BHULUKADOBA,
P.S- SORBHOG, DIST- BARPETA, ASSAM, PIN-781317

2:THE STATE OF ASSAM

REPRESENTED BY THE SECRETARY EDUCATION DEPARTMENT
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
PIN-783370

3:THE DIRECTOR OF EDUCATION

BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
ASSAM
PIN-783370

4:THE PRINCIPAL

BIJNI COLLEGE
BIJNI
DIST- CHIRANG (BTAD)
ASSAM
PIN-783390

5:THE PRESIDENT

GOVERNING BODY
BIJNI COLLEGE
BIJNI
DIST- CHIRANG (BTAD)
ASSAM
PIN-78339

Advocate for the Petitioner : MR P BHARDWAJ

Advocate for the Respondent : SC, BTC

Linked Case : WP(C)/4878/2022

PARISHMITA MISHRA
D/O- LATE PUTUL MISHRA

VILLAGE- KALITAPARA

P.O- BHULUKADOBA

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Advocate for : MR. S BARMAN
Advocate for : SC
BTC appearing for THE STATE OF ASSAM AND 4 ORS.

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

20.01.2023

Heard Mr. P. Bhardwaj, learned counsel for the applicant/respondent No. 5. Also heard Mr. S. Bora, learned Standing Counsel for the BTC and Mr. A. Chamuah, learned counsel for the Bijni College.

2. The writ petitioner preferred the connected writ petition i.e. WP(C)/4878/2022 with a grievance that the petitioner has wrongly been

deprived from selection for the post of Assistant Professor in the Department of Assamese under the category of Economically Weaker Section (EWS) in Bijni College.

3. This Court under its order dated 30.07.2022, while taking up the writ petition directed the respondents not to fill up one post of Assistant Professor (Assamese) under the EWS category in Bijni College, District Chirang (BTAD) Assam inasmuch the petitioner claims herself to a person belonging to EWS quota.

4. Subsequently, this Court under its order dated 16.09.2022, while considering the matter for the purpose of interim order came to an interim conclusion that as the certificate of EWS are issued on a year to year basis and in absence of the relevant certificate for the year 2021-22 in favour of the writ petitioner, the Court cannot accept the arguments advanced by the learned counsel that the petitioner be treated as a candidate belonging to EWS quota. Accordingly, the Court was not inclined to extend the interim order.

5. It is the case of the present applicant that though the BTC authority has approved the recommendation of the Selection Committee for appointment of the present applicant/respondent No. 5, for the post of Assistant Professor, (Assamese), however, the authority is not issuing the formal appointment order treating as if, the interim order passed on 30.07.2022 is still continuing.

6. In view of the aforesaid, Mr. S. Bora, learned Standing Counsel for the BTC submits that there might be some confusion in this regard or the BTC authority might not be aware of the order dated 16.09.2022.

7. Mr. Chamuah, learned counsel for Bijni College submits that the college

has been suffering for the shortage of teacher. Accordingly, the learned counsel prays that it may be provided that in view of the order dated 16.09.2022, BTC authority may proceed with the appointment pursuant to impugned selection.

8. This Court is also of the considered opinion that as there is no interim order continuing in view of the order dated 16.09.2022, the BTC authority is at liberty to proceed with the appointment process and to appoint the respondent No. 5. However, the aforesaid observation is made for the purpose of this Interlocutory Application only and this Court has not entered into the merit of the case and merit of the respective claims of the contesting parties in the writ petition.

9. In the aforesaid terms, this Interlocutory Application stands closed.

JUDGE

Comparing Assistant