

GAHC010228972019



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

Case No. : WP(C)/7077/2019

ASSAM UNIVERSITY SC AND ST EMPLOYEES WELFARE ASSOCIATION
(AUSEWA) AND 4 ORS.

REP. BY ITS PRESIDENT AND SECRETARY, OFFICE ADDRESS- ASSAM
UNIVERSITY, SILCHAR, CAMPUS, DIST. CACHAR, ASSAM, PIN-788011

2: RAVI RAJWANSHI
S/O DR. BECHE LAL RAJWANSHI
ASSISTANT PROFESSOR
DEPTT. OF BIOTECHNOLOGY
ASSAM UNIVERSITY
SILCHAR
PRESIDENT ASSAM UNIVERSITY SC AND ST EMPLOYEES WELFARE
ASSOCIATION (AUSEWA)
R/O RANGIRKHARI
SILCHAR
DIST. CACHAR ASSAM
PIN-788005

3: RANJIT DAS
S/O LT. SURESH CHANDRA DAS
ASSISTANT FINANCE SECTION
SECREATRY
ASSAM UNIVERSITY SC AND ST EMPLOYEES WELFARE ASSOCIATION
(AUSEWA)
R/O PUSHPA BIHAR LANE
MEHERPUR
SILCHAR
DIST. CACHAR
ASSAM
PIN-788015

4: OSOR PERTIN
M TECH IN ELECTRONIC AND COMMUNICATION ENGINEERING
ST CATEGORY CANDIDATE

R/O- VILL- BOLUNG 1
NEAR GOVT HS SCHOOL
DIST- LOWER DIBANG VALLEY
ARUNACHAL PRADESH
PIN- 792110
PRESENT R/O- SILCHAR TOWN
DIST- CACHAR
ASSAM

5: JAGADISH HANSA
S/O- TIKESWAR HANSA
SC CANDIDATE
PH.D BIOTECHNOLOGY DEPTT
PERMANENT R/O- VILL AND P.O- KINDIRA
SAMBALPUR
ODISHA
PIN- 768222
C/O- RANJIT DAS SILCHAR
DIST- CACHAR
ASSAM
PIN- 78801

VERSUS

THE UNION OF INDIA AND 5 ORS.
REP. BY THE SECRETARY TO THE MINISTRY OF HUMAN RESOURCE
DEVELOPMENT, DEPTT. OF HIGHER EDUCATION, SHASTRI BHAWAN,
NEW DELHI-110011

2:THE VICE CHANCELLOR CUM CHAIRPERSON
EXECUTIVE COUNCIL
ASSAM UNIVERSITY
SILCHAR
CACHAR
ASSAM
PIN- 788011

3:THE REGISTRAR
ASSAM UNIVERSITY
SILCHAR
CACHAR
ASSAM
PIN- 788011

4:DR L N SETHI
THE LIAISON OFFICER (FOR SC
ST AND PWD)
ASSAM UNIVERSITY

SILCHAR
DIST- CACHAR
ASSAM
PIN- 788011

5:THE SECRETARY TO THE GOVT OF INDIA
MIN OF PERSONNEL
PUBLIC GRIEVANCES AND PENSION
DEPTT OF PERSONNEL AND TRAINING
NORTH BLOCK
NEW DELHI
PIN- 110001

6:THE UNIVERSITY GRANT COMMISSION
TO BE REP. BY ITS SECRETARY/CHAIRPERSON BAHADUR SHAH ZAFAR
MARG
NEW DELHI
PIN- 11000

Advocate for the Petitioner : MR. B PURKAYASTHA

Advocate for the Respondent : ASSTT.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

14.06.2023

Heard Shri B. Purkayastha, learned counsel for the petitioners. Also heard Shri S.C. Keyal, learned Standing Counsel for the Assam University, Shri A. Chamuha, learned Standing Counsel, UGC, Ms. S. Dev, learned counsel for the respondent no. 4 and Shri U. Sharma, learned counsel for the Secondary Education Department.

The grievance of the petitioners, out of which the petitioner no. 1 is an Association, is with regard to a recruitment process initiated vide advertisements dated 06.08.2019, 07.09.2019 and 08.08.2019 concerning 6 (six) nos. posts. The principal ground of challenge is that post earmarked for reserved categories have been de-reserved without following the due process of law.

Shri Purkayastha, the learned counsel has however fairly submitted that he has been instructed by his clients that in the meantime, the policy of de-reservation has been withdrawn and accordingly, he prays for a direction for initiating a fresh recruitment process by setting aside the earlier recruitment process initiated by the impugned advertisement.

The aforesaid submission of Shri Purkayastha, the learned counsel for the petitioners is endorsed by Shri Keyal, the learned Standing Counsel for the Assam University and submits that the decision for de-reserving has been revoked.

Shri A. Chamuha, learned Standing Counsel, UGC submits that it is up to the University Authorities to take a decision.

Ms. S. Dev, the learned counsel for the respondent no. 4 however by referring to the affidavit-in-opposition filed on 16.12.2022 has submitted that the decision has been revoked as steps have been taken to prepare the roster point by following the reservation policy.

Ms. Dev, the learned counsel further submits that the respondent no. 4 has categorically stated that there was no lapse on his part.

Shri Keyal, the learned Standing Counsel at this stage informs this Court that roster point reservation has already been prepared and the same would be acted upon.

In view of the above, there is hardly anything left to be adjudicated in this writ petition. Accordingly, the same stands allowed by setting aside the impugned advertisements dated 06.08.2019, 07.09.2019 and 08.08.2019 and in view of the admitted position that roster point has been prepared, fresh recruitment may be initiated by following the due process of law.

JUDGE

Comparing Assistant