

GAHC010245812023



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

Case No. : WP(C)/6369/2023

DR. ANAMYA ROY
D/O- ABHIJIT ROY,
BANAMALI ROAD, WARD NO-16, KARIMGANJ TOWN,
P.O- KARIMGANJ-788710,
DIST- KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
HIGHER EDUCATION DEPARTMENT
DISPUR, ASSAM, GUWAHATI-6.

2:THE DIRECTOR OF HIGHER EDUCATION
KAHILIPARA
ASSAM
GUWAHATI-19.

3:THE GOVERNING BODY
OF PANDIT DEEN DAYAL UPADHAYA ADARSH MAHAVIDYALAYA
ERALIGOOL
KARIMGANJ
ASSAM
REPRESENTED BY THE CHAIRMAN OF THE GOVERNING BODY OF THE
SAID COLLEGE
P.O- ERALIGOOL-788723
DIST-KARIMGANJ
ASSAM

4:THE SELECTION COMMITTEE FOR THE POST OF ASSISTANT PROFESSOR
AT PANDIT DEEN DAYAL UPADHAYA ADARSH MAHAVIDYALAYA
ERALIGOOL

KARIMGANJ
ASSAM
(REPRESENTED BY THE CHAIRMAN OF THE GOVERNING BODY OF THE
SAID COLLEGE
P.O- ERALIGOOL-788723
DIST-KARIMGANJ
ASSAM)

5:THE DEPUTY COMMISSIONER
KARIMGANJ DISTRICT

THE CHAIRPERSON OF THE GOVERNING BODY OF PANDIT DEEN DAYAL
UPADHAYA ADARSH MAHAVIDYALAYA
ERALIGOOL
KARIMGANJ-788710
ASSAM

6:THE PRINCIPAL CUM SECRETARY
PANDIT DEEN DAYAL UPADHAYA ADARSH MAHAVIDYALAYA
P.O-ERALIGOOL-788723
DIST-KARIMGANJ
ASSA

Advocate for the Petitioner : MR. N DHAR

Advocate for the Respondent : SC, HIGHER EDU

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 18.12.2023

Heard Mr. N. Dhar, learned Counsel for the petitioner. Also heard Mr. A.R. Tahbildar, learned Standing Counsel for the respondent Nos. 1 & 2.

The present petitioner has raised grievances pertaining to the inaction on the part of the Pandit Deendayal Upadhyaya Mahavidyalaya (PDUAM), Eraligool, Karimganj in not furnishing to the petitioner the information as sought for by him vide his application dated 16.09.2023 made under the provisions of RTI Act, 2005. The petitioner had earlier approached this Court making a challenge to the selection process for the post of Assistant professor in Bengali in the said College by instituting WP(C) No. 5325/2023 and this Court vide order dated 17.10.2023 had disposed of the said writ petition requiring the petitioner to file a writ petition seeking a direction for being furnished information as sought by him under the provisions of the RTI Act, 2005. The said information not being furnished the present proceedings have been initiated.

The Public Information Officer (PIO) of the College vide communication intimated the petitioner that

the documents relating to the said selection process has already been communicated to the Directorate of Higher Education, Govt. of Assam and the petitioner was directed to communicate with the SPIO–Cum-Deputy Director, Directorate of Higher Education, Govt. of Assam for receipt of the information as sought for.

In view of above, this writ petition stands disposed of directing the respondent No. 2 Director of Higher Education, Assam, Kahilipara to provide to the petitioner the list of candidates who had appeared in the said selection process, along with the proceedings of the selection committee including the compilation containing the marks awarded by the selection committee members to each of the candidates participating in the selection. Further the resolution adopted by the Governing Body towards recommending the selected candidate, as well as the decision of the Director of Higher Education, Assam, Kahilipara, that may have been arrived at under the provisions of Rules 5 and 7 of the Assam College Employees (Provincialisation) Rules, 2010 on the resolution as may have been adopted in the matter by the Governing Body of the College..

It is needless to state that the authorities are bound to furnish to the petitioner the information as sought for by him, under the provisions of the RTI Act, 2005, subject to the exemptions as provided therein.

The said information be furnished to the petitioner within a period of 30 days from the date of receipt of a certified copy of this order.

The petitioner shall be liable to pay the costs for making available copies as per prescription under the RTI Act, 2005.

JUDGE

Comparing Assistant