

GAHC010250662022



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

Case No. : WA/376/2022

DIBRUGARH UNIVERSITY AND 2 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
DIBRUGARH
ASSAM
PIN- 786004

VERSUS

LABDHA PRATIM DAS AND 2 ORS.
S/O SRI BHABEN DAS, VILLAGE AND P.O.- BARUAHOLA, TINSUKIA, PIN-
786183.

2:HEMANGA BHUYAN
S/O SRI ATUL BHUYAN
VILLAGE- GOPALPUR GAON
P.O.- GARMUR
MAJULI
PIN- 785105.

3:AANKUR HATIBARUA
S/OF SRI THANESWAR HATIBARUA
VILLAGE- SONARI CHAPARI
P.O.- KEKURI DHAKUAKHANA
PIN- 787055

Advocate for the Petitioner : MR. R MAZUMDAR

Advocate for the Respondent : MR. C TALUKDAR (R1, R2, R3)

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 05.01.2023

(R.M. Chhaya, CJ.)

Heard Mr. R. Mazumdar, learned counsel for the appellants and Mr. J. Deka, learned counsel for the respondents.

By an order dated 01.12.2022 passed in WP(C) No. 7673/2022, the learned Single Judge was pleased to direct the appellant University to permit the respondents/students to appear in the examination. The said interim order came to be challenged by way of this writ appeal by the University, wherein this Court passed the following order on 05.12.2022:

“ Heard Mr. D. Saikia, learned senior counsel assisted by Mr. R. Mazumdar, learned counsel for the appellants.

Mr. R. Mazumdar, learned counsel appearing for the appellants mentioned this matter at 10-30 A.M. and considering the urgency involved, more particularly, as the examinations are to start from tomorrow, i.e. 06.12.2022, which is pointed out by learned counsel for the appellants, the appeal was permitted to be circulated today at 2-00 P.M. before this Court.

Issue notice, returnable on 19.12.2022.

Appellants to take steps for service of notice upon the respondents by registered post with A/D within three days.

Dasti service is also permitted.

Though the present appeal has been preferred against the interim order passed by the learned Single Judge in WP(C) 7673/2022, the circumstances warrant some interference. It is an unfortunate incident of ragging as alleged which has resulted into turmoil in the campus of the University as pointed out by Mr. D. Saikia, learned senior Advocate. Hence, we stay the directions issued by the learned Single Judge in the order dated 01.12.2022.

However, the respondent students shall be permitted to appear in the

semester examinations which shall be held in the office of the Deputy Commissioner, Dibrugarh under police protection and the result of these students shall be subject to further orders that may be passed by this Court either in this appeal or in the writ petition which is pending before the learned Single Judge.”

Mr. R. Mazumdar, learned counsel for the appellants states that the directions issued by this Court have been carried out and the respondents/students have already given their examination at the office of the Deputy Commissioner, Dibrugarh. Learned counsels for the parties also pointed out that the matter is pending at large before the learned Single Judge.

In light of the aforesaid, we dispose of this appeal with a request to the learned Single Judge to dispose of the writ petition as expeditiously as possible and till then, the direction issued by this Court vide order dated 05.12.2022 not to declare the results of the respondents shall remain in operation. The learned Single Judge shall decide the main matter without in any manner being influenced by any order passed by this Court in this writ appeal.

The appeal stands disposed of. No costs.

JUDGE

CHIEF JUSTICE

Comparing Assistant