

GAHC010272972023



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

Case No. : WP(C)/7106/2023

SUDIPTA PHUKAN
D/O- SHRI LACHIT CH. PHUKAN, R/O- NAZIRAKHAT, SONAPUR, P.O.
TEPESIA, DIST. KAMRUP(M), PIN- 782402.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, DEPARTMENT OF HIGHER EDUCATION,
ASSAM SECRETARIAT, DISPUR, GUWAHATI-781006, ASSAM

2:THE DIRECTOR OF HIGHER EDUCATION
ASSAM
KAHILIPARA
GUWAHATI
ASSAM
PIN- 781019.

3:THE SELECTION COMMITTEE FOR THE POST OF ASSISTANT PROFESSOR
IN THE DEPARTMENT OF ENGLISH
LALIT CHANDRA BHARALI COLLEGE
MALIGAON
GUWAHATI
KAMRUP(M)
ASSAM
REPRESENTED BY ITS CHAIRMAN.

4:THE PRINCIPAL
LALIT CHANDRA BHARALI COLLEGE
MALIGAON
GUWAHATI
KAMRUP(M)

ASSAM

5:THE UNIVERSITY GRANTS COMMISSION
NORTH EASTERN REGIONAL OFFICE
BANPHOOL NAGAR
BASISTHAPUR
GUWAHATI-781038
KAMRUP(M)
ASSAM
REPRESENTED BY CHAIRPERSON.

6:KAKALEE DAS
D/O- KANAK CHANDRA DAS
R/O- FLAT NO. 102A
BLOCK-A
MILESTONE HOUSING COMPLEX
PANDAV NAGAR
BORIPARA
GUWAHATI-781012
DIST. KAMRUP(M)
ASSA

Advocate for the Petitioner : MS. P BHATTACHARYA

Advocate for the Respondent : SC, HIGHER EDU

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 20/12/2023

Heard Mr. T. J. Mahanta, learned senior counsel assisted by Ms. P. Bhattacharya, learned counsel appearing for the writ petitioner. Also heard Mr. S. Das, learned Standing Counsel, Higher Education Department, Assam, appearing for the respondent nos. 1 & 2.

The instant writ petition raises a question as regards the manner in which the guidelines for award of marks for Ph.D. in the concerned subject from UGC recognised University is to be made while selecting candidates for appointment in the post of Assistant Professor in the provincialised Government Colleges in Assam.

The writ petitioner herein as well as the respondent no. 6 had submitted their candidature for appointment as Assistant Professor in English Department of the Lalit Chandra Bharali (LCB) College,

Maligaon, in terms of the advertisement notice dated 12/08/2023, published by the Principal of the College. The grievance of the petitioner is that, the Ph.D. of the respondent no. 6 is in "Foreign Language" and not in "English language", which is the concerned subject. Notwithstanding the same, in utter violation of the guidelines laid down by the notification dated 24/01/2022 issued by the Government of Assam in the Higher Education Department, 13 marks have been awarded to the respondent no. 6 for her Ph.D. done in "Foreign Language", which is totally impermissible according to the learned senior counsel for the writ petitioner.

Responding to the above submission, Mr. Das submits that although recommendation has been sent for appointing the respondent no. 6 to the post of the Assistant Professor in the English Department of the College, yet, the Director of Higher Education, Assam, is yet to take a decision in the matter. The learned departmental counsel submits that if the Court directs, the aforesaid aspect of the matter will be duly examined by the Director before taking a decision on the question of granting approval to the recommendation made by the College authority. The petitioner's counsel has also agreed to such an order being passed by this Court.

In view of the above, without expressing any opinion on the merit of the claim of the petitioner, this writ petition stands disposed of with a direction upon the respondent no. 2 to examine as to whether, any credit could have been given to the respondent no. 5 for her Ph.D. in "Foreign Language" under the notification dated 24/01/2022, before taking a final decision on the question of granting approval to the recommendation sent by the Managing Committee of the College, in favour of the respondent no. 6.

Whatever be the decision, the same be communicated to the petitioner in writing.

If the petitioner continues to remain aggrieved in the matter, it would be open for him to approach this Court again by filing appropriate petition.

With the above observation, the writ petition stands disposed of.

JUDGE

sukhamay

Comparing Assistant