

GAHC010003632024



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

Case No. : I.A.(Civil)/156/2024

DR. DIPANKAR BORAH
FORMER ASSISTANT PROFESSOR (BOTANY), KALIABOR COLLEGE,
KALIABOR, NAGAON, R/O BAMGAON, BISWANATH CHARIALI, DIST.
SONITPUR, PIN 784176, ASSAM.

VERSUS

THE STATE OF ASSAM AND 11 ORS
REPRESENTED BY THE COMMISSIONER AND SECY. TO THE GOVT. OF
ASSAM, EDUCATION (HIGHER) DEPTT., DISPUR, GUWAHATI 781006

2:THE DIRECTOR OF HIGHER EDUCATION

ASSAM
KAHILIPARA
GUWAHATI 781019

3:THE GOVERNING BODY OF KALIABOR COLLEGE

REPRESENTED BY THE PRESIDENT OF THE GOVERNING BODY
KALIABOR COLLEGE
KALIABOR
DIST. NAGAON
ASSAM
PIN 782137

4:THE SELECTION COMMITTEE FOR THE POST OF ASSTT. PROFESSOR
(BOTANY)
REPRESENTED BY THE SECY. CUM PRESIDENT OF KALIABOR COLLEGE
KALIABOR
NAGAON
DIST. NAGAON

ASSAM
PIN 782137

5:THE PRINCIPAL

KALIABOR COLLEGE
KALIABOR
NAGAON
DIST. NAGAON
ASSAM
PIN 782137

6:PRABHAT GOSWAMI

PRESIDENT
GOVERNING BODY
KALIABOR COLLEGE
KALIABOR
NAGAON
DIST. NAGAON
ASSAM
PIN 782137

7:PROF. DANDADHAR SARMA

DEPTT. OF ZOOLOGY
GAUHATI UNIVERSITY
GUWAHATI 781014

8:PROF. BHABEN TANTI

DEPTT. OF BOTANY
GAUHATI UNIVERSITY
GUWAHATI 781014

9:DR. KRISHNA MEDHI

HEAD OF BOTANY DEPTT.
NOWGONG COLLEGE
NAGAON
ASSAM 782001

10:DR. BASISTHA KALITA

HEAD OF THE DEPTT. OF BOTANY
KALIABOR COLLEGE
KALIABOR
NAGAON

DIST. NAGAON
ASSAM
PIN 782137

11:MS. DEBAJANI SAIKIA
ASSTT. PROFESSOR
DEPTT. OF BOTANY
SUREN DAS COLLEGE
HAJO
P.O. HAJO
DIST. KAMRUP
ASSAM
PIN 781102

12:DR. AMAD UDDIN

S/O LATE IRMAN ALI
R/O VILL. AND P.O. CHANGMAJI
DIST. HOJAI
ASSAM
PIN 78244

Advocate for the Petitioner : MR. M J BARUAH

Advocate for the Respondent : MR J ABEDIN

**BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 07.02.2024

Heard Mr. M.J. Bauah, learned counsel for the applicant. Also heard Mr. J. Abedin, learned counsel for the petitioner.

By filing this application, the applicant has prayed for impleading him as party respondent No.12 in the writ petition being WP(C) 865/2021.

The issue involved in the writ petition is with regard to selection of Assistant Professor in the subject Botany (OBC category) in the Kaliabor College, Nagaon.

During the course of hearing, it is noticed by this Court that although the respondent authorities

have given up the earlier selection process for appointment of Assistant Professor in the Kaliabor College, Nagaon, the applicant herein was found to have been appointed in the said post by holding another selection process when the matter is in seisen of this Court.

Confronted with such situation, the respondent authority vide order dated 14.12.2023 has withdrawn the appointment of the applicant as per Clause 1 of the appointment order subject to the outcome of the final order in the present petition being WP(C) 865/2021 and the same has been taken judicial notice vide order dated 18.12.2023 by this Court.

In view of the above facts and circumstances, I am of the view that the applicant is a necessary party to the writ proceeding as the withdrawal of the appointment is subject to the outcome of the present writ petition being WP(C)No.865/2021.

Accordingly, the I.A. stands allowed. Dr. Dipankar Borah is allowed to be impleaded as party respondent No.12 in the writ petition being WP(C)No.865/2021

I.A. stands disposed of.

JUDGE

Comparing Assistant