

GAHC010252952022



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

Case No. : I.A.(Civil)/1015/2024

THE PRINCIPAL/SECRETARY OF C.K.B. COMMERCE COLLEGE
NAGAON
P.O.-KUWARITOL
DIST- NAGAON
PIN-782137

VERSUS

PRANAB PRASAD BORAH AND 23 ORS
S/O DULU BORAH
R/O VILL- MOHBHETI
P.O.-SRI RAMBONAMALI
DIST- MAJULI
ASSAM
PIN-785105

2:BINOD CHETRY
S/O RAM BAHADUR CHETRY
R/O VILL- CHENG CHENG BIL
P.O.-MEN MEJI
P.S.-KHERONI
DIST-WEST KARBI ANGLONG
ASSAM
PIN-782435
3:DR. SIMA BHUYAN
D/O TARUN BHUYAN
R/O VILL AND P.O.-TETELI SARA
P.S.-KAMPUR
DIST-NAGAON
ASSAM
PIN-782426
4:BIAPPI SWARGIARY
S/O BIRENDRA SWARGIARY

R/O VILL-MAINADPURI KHANGKHALABARI
P.O.-UDALGURI
DIST-UDALGURI
ASSAM
PIN-784509
5:THE STATE OF ASSAM

REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
EDUCATION (HIGHER) DEPARTMENT
DISPUR
GUWAHATI-06
6:ADDITIONAL SECRETARY TO THE GOVT. OF ASSAM
HIGHER EDUCATION DEPARTMENT
DISPUR
GUWAHATI-06

7:UNION OF INDIA
REPRESENTED BY THE SECRETARY TO THE DEPARTMENT OF
EMPOWERMENT OF PERSONS WITH DISABILITIES
MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT
ROOM NO. 517
B-II BLOCK
ANTYODAYA BHAWAN
CGO COMPLEX
LODHI ROAD
NEW DELHI-11003

8:THE DIRECTOR OF HIGHER EDUCATION
KAHILIPARA
DIST- MAJULI
ASSAM
PIN-785106

9:JOINT DIRECTOR OF HEALTH SERVICE
KAMALABARI
DIST-MAJULI
ASSAM
PIN-785106

10:JOINT DIRECTOR OF HEALTH SERVICE
HAMREN
DIST-WEST KARBI ANGLONG
ASSAM
PIN-72486

11:JOINT DIRECTOR OF HEALTH SERVICE
NAGAON
ASSAM TRUNK ROAD
HAIBORGAON
NAGAON
ASSAM
PIN-782001

12:THE CHAIRPERSON
DISTRICT DISABILITY BOARD
UDALGURI

ASSAM
DISTRICT SOCIAL WELFARE OFFICE
PIN-784509

13:THE GOVERNING BODY OF CHHAYGAON COLLEGE
CHHAYGAON
REPRESENTED BY ITS PRESIDENT
P.O.-CHHAYGAON
DIST-KAMRUP
PIN-781124

14:THE PRINCIPAL/SECRETARY OF CHHAYGAON COLLEGE
CHHAYGAON
P.O.-CHHAYGAON
DIST- KAMRUP
PIN-781124

15:THE GOVERNING BODY OF C.K.B. COLLEGE
TEOK
REPRESENTED BY ITS PRESIDENT
P.O.-JOGDUAR
TEOK
DIST- JORHAT
PIN-785112

16:THE PRINCIPAL/SECRETARY OF C.K.B. COLLEGE
TEOK
P.O.-JOGDUAR
TEOK
DIST- JORHAT
PIN-785112

17:THE GOVERNING BODY OF KALIABOR COLLEGE
NAGAON
REPRESENTED BY ITS PRESIDENT
P.O.-KUWARITOL
DIST- NAGAON
PIN-782137

18:THE PRINCIPAL/SECRETARY OF KALIABOR COLLEGE
NAGAON
P.O.-KUWARITOL
DIST- NAGAON
PIN-782137

19:THE GOVERNING BODY OF C.K.B. COMMERCE COLLEGE
JORHAT
REPRESENTED BY ITS PRESIDENT
JORHAT DIST- JORHAT
PIN-785001

20:THE PRINCIPAL/SECRETARY OF C.K.B. COMMERCE COLLEGE
JORHAT

DIST- JORHAT
PIN-785001
21:THE PRINCIPAL-CUM-CHIEF SUPERINTENDENT
GAUHATI MEDICAL COLLEGE AND HOSPITAL
GUWAHATI-781032
22:THE DIRECTOR OF MEDICAL EDUCATION
SIXMILE
KHANAPARA
GUWAHATI
PIN-781022
23:MEDICAL BOARD
CONSTITUTED FOR PHYSICAL VERIFICATION OF SELECTED PWD
CANDIDATES FOR APPOINTMENT IN THE POST OF ASSISTANT
PROFESSOR/LIBRARIANS IN VARIOUS PROVINCIALIZE COLLEGES
REPRESENTED BY ITS CHAIRMAN
GAUHATI MEDICAL COLLEGE AND HOSPITAL
GUWAHATI-781032
24:THE BODOLAND TERRITORIAL COUNCIL
REPRESENTED BY THE SECRETARY
BTC
P.O.-KOKRAJHAR
DIST- KOKRAJHAR
PIN-783370

Advocate for : MR D MAHANTA
Advocate for : SC
HIGHER EDU appearing for PRANAB PRASAD BORAH AND 23 ORS

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 23.04.2024

Heard Mr. D. Mahanta, learned counsel for the applicant. Also heard Mr. A. R. Tabildar, learned Standing Counsel for the Higher Education Department and Mr. K. Parasar, learned counsel appearing on behalf of the CGC.

The present application has been instituted by the authorities of

Kaliabor College, praying for vacation and or, modification of the order dated 14.12.2022, passed by this Court in WP(C)/7992/2022. The connected writ petition was instituted by several writ petitioners including Dr. Sima Bhuyan as writ petitioner no. 3, inter-alia, raising a grievance with regard to the manner in which in pursuance to their selection against the post of PwD as available in Kaliabor college and other colleges, their such appointment was not materialized on account of a subsequent re-verification of their physical disability done by the respondent authorities.

This Court, vide an order dated 14.12.2022, passed in the above noted writ petition was pleased to direct that the post of Assistant Professor in the department of Assamese in Chhaygaon College, Economics in C.K.B. College, Teok, Assamese in Kaliabor College, Nagaon and Economics in C.K.B. Commerce College, Jorhat under PwD category shall not be filled up.

The writ petitioner no. 3 was a candidate for the post of Assistant Professor in the department of Assamese in Kaliabor College, Nagaon. Accordingly, the College authorities in view of the said position could not proceed with the filling up of the post in question. However, it has been stated in the Bar that the petitioner no. 3 had withdrawn her name from the proceeding of WP(C)/7992/2022.

Accordingly, the said interim directions as passed by this Court vide the order dated 14.12.2022 would not be further applicable to the case of said Dr. Sima Bhuyan pursuant to her withdrawal from the proceeding of WP(C)/7992/2022.

In view of the above position, it is directed that the interim directions as passed by this Court vide order dated 14.12.2022 shall not apply to the

post of Assistant Professor, Department of Assamese, Kaliabor College, Nagaon.

Accordingly, the College authorities would be at liberty to fill up the said post in accordance with law.

With the above observations the Interlocutory application stands disposed of.

JUDGE

Comparing Assistant