

GAHC010072232024



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

Case No. : WP(C)/1445/2024

MD. ABDUL HANNAN
S/O- MD. ABUL KALAM
R/O- VILLAGE EAST BARHAWOR
P.O- BARHOWAR
DIST- NAGAON
ASSAM
PIN-782439

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
HIGHER EDUCATION DEPARTMENT
ASSAM
DISPUR
GUWAHATI-781006

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

3:THE GOVERNING BODY
OF CACHAR COLLEGE
REPRESENTED BY ITS PRESIDENT
TRUNK ROAD
P.O-SILCHAR
DIST-CACHAR
ASSAM
PIN-78001

4:THE PRINCIPAL/SECRETARY
OF CACHAR COLLEGE

TRUNK ROAD
P.O-SILCHAR
DIST-CACHAR
ASSAM
PIN-780001

Advocate for : MR. P MAHANTA

Advocate for : SC

HIGHER EDU appearing for THE STATE OF ASSAM AND 3 ORS

BEFORE
HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

O R D E R

19.04.2024.

Heard Ms. V. Khakhalary, learned counsel appearing for the petitioner. Also heard Mr. A.R. Tahbildar, learned Standing Counsel appearing for the respondent No.2. Also heard Mr. D. Mahanta, learned counsel appearing for the applicant in I.A. (Civil) No.1088/2024.

The Principal of the Cachar College, in terms of the approval granted by the departmental authorities had issued an advertisement for recruitment to the post of Assistant Professors, including the post of Assistant Professor in Arabic lying vacant in the college. Thereafter, a selection process was held wherein the petitioner also participated. The delay occasioning in taking the selection process to its logical conclusion led the petitioner to institute the present proceedings, praying for a direction upon the respondent authorities to complete the selection process in terms of the interview held on 22.12.2023, for the post of Assistant Professor in Arabic.

This Court had vide order dated 13.03.2024 required the Standing Counsel for

the Higher Education Department to obtain instructions in the matter.

Accordingly, Mr. A.R. Tahbildar, learned Standing Counsel for the Higher Education Department has placed on record a communication dated 18.04.2024, issued by the Director of Higher Education, Assam which reflects that the selection process as indicated hereinabove was concluded and the matter thereafter was placed before the Director of Higher Education, Assam for final consideration.

In terms of the proposal as now submitted, the applicant in I.A. (Civil) No.1088/2024, Dr. Md. Yahiah has been selected by the Selection Committee for appointment against the post of Assistant Professor, Department of Arabic, Cachar College at Silchar. However, on account of pendency of the present proceedings, the Director of Higher Education, Assam has not taken a final decision in the matter.

In view of the above position, the selection process involved having been completed, the relief as prayed for in the the present Writ Petition has already been granted by the respondent authorities.

Accordingly, the Director of Higher Education, Assam is directed to take a final decision on the proposal as submitted by the authorities of the Cachar College, selecting the applicant in I.A. (Civil) No.1088/2024, for the post of Assistant Professor, Department of Arabic, Cachar College at Silchar, strictly in accordance with the procedure mandated.

With the above observation and direction, the Writ Petition stands disposed of.

The copy of the communications dated 18.04.2024 and 29.12.2023, as produced by Mr. A.R. Tahbildar, learned Standing Counsel for the Higher Education Department are kept on record and marked as 'A' and 'B' respectively,

for the purpose of identification.

JUDGE

Comparing Assistant