

GAHC010064082024



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

Case No. : WP(C)/1903/2024

ANUPAM DAS AND 3 ORS.

S/O- SRI TRIDIP RANJAN DAS, R/O- ARYA NAGAR, P.O. GOPINATH NAGAR,
DIST. KAMRUP, ASSAM, PIN- 781016.

2: SAMARJIT DAS S/O- LATE SARAL KUMAR DAS
R/O- CHAPARI P.O. CHAPAR DIST. DHUBRI ASSAM PIN- 783371.

3: ATOWAR UI ISLAM S/O- ABDUL MOMIN SK.
R/O- EIDGAH PATH HOUSE NO. 12 P.O. DISPUR SARUMOTORIA
DIST. KAMRUP ASSAM PIN- 781006.

4: NABANITA DAS D/O- LATE DIPAK KR. DAS R/O- HOSUE NO. 16
SARVODAYA PATH ABC DIST. KAMRUP ASSAM PIN- 781005

VERSUS

THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM AND 5
ORS
HIGHER EDUCATION DEPARTMENT, DISPUR, GUWAHATI-781019, ASSAM

2:THE DEPUTY SECRETARY TO THE GOVT. OF ASSAM
HIGHER EDUCATION DEPARTMENT DISPUR GHY-781006.

3:THE DIRECTOR HIGHER EDUCATION DEPARTMENT
KAHILIPARA PIN- 781019.

4:THE VICE-CHANCELLOR COTTON UNIVERSITY PANBAZAR GUWAHATI-
781001.

5:THE REGISTRAR COTTON UNIVERSITY PANBAZAR GHY-781001.

6:COTTON UNIVERSITY PANBAZAR GUWAHATI-781001
REPRESENTED BY THE REGISTRAR

Advocate for the Petitioner : MR. K N CHOUDHURY
Advocate for the Respondent : SC, HIGHER EDU

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 05.04.2024

Heard Mr. K. N. Choudhury, learned senior counsel, assisted by Mr. H. Das, learned counsel, appearing on behalf of the petitioners. Also heard Mr. D. Upamanyu, learned standing counsel, appearing on behalf of respondents No. 1, 2 & 3; and Mr. Parswajyoti Das Nair, learned standing counsel, Cotton Univeristy, appearing on behalf of respondents No. 4, 5 & 6.

The petitioners by way of instituting the present proceedings, have presented a challenge to the Advertisement, dated 11.03.2024, issued by the Cotton University inviting applications, amongst others, for 4(four) posts of Assistant Professor in the Department of Computer Science & Information Technology. The petitioners have also prayed for a direction to the respondent authorities to regularize their services as Assistant Professors in the said Department.

The petitioners, herein, were initially recruited as Academic counselors in the erstwhile Cotton College and thereafter, their services were continued as Assistant Professors on contractual basis in the Department of Computer Science & Information Technology in the said Cotton University on its establishment.

The services of the petitioners in the said Department of Computer Science & Information Technology came to be terminated w.e.f. 06.02.2020 on persons recruited on regular basis, joining the said Department as Assistant Professors.

The petitioners herein earlier approached this Court by instituting WP(c)9474/2019 and WP(c)938/2020, inter alia, praying for regularization of their services as Assistant Professors in the said Department. The said writ petitions are presently pending disposal before this Court.

In view of the fact that the petitioners, herein, are presently not serving in the Department concerned in the said University; it is the considered view of this Court that the petitioners, herein, are not entitled to challenge the Advertisement, dated 11.03.2024, to the extent of it putting up for recruitment of 4(four) posts of Assistant Professor in the Department of Computer Science & Information Technology of the said University.

Accordingly, while not interfering with the Advertisement, dated 11.03.2024, put to challenge by the petitioners in the present proceedings; it is observed that the University authorities shall be at liberty to take the recruitment process as initiated vide the said Advertisement, dated 11.03.2024, to its logical conclusion and make appointments thereon. However, the appointments made in pursuance of the said Advertisement, dated 11.03.2024, against the posts of Assistant Professor in the Department of Computer Science & Information Technology, would be subject to the outcome of the 2(two) writ

petitions instituted by the petitioners being WP(c)9474/2019 and WP(c)938/2020.

With the above observations; this writ petition stands disposed of.

JUDGE

Comparing Assistant