

GAHC010072552023



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

Case No. : WP(C)/1958/2023

M ROHAN
S/O MIZANUR RAHMAN, VILL AND P.O. AND P.S.-KAMALPUR, DIST-
BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, EDUCATION (HIGHER) DEPARTMENT, DISPUR,
GUWAHATI-06

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

3:THE ASSAM AGRICULTURAL UNIVERSITY
REPRESENTED BY ITS REGISTRAR
JORHAT
NOWCHALIAH GAON
DIST-JORHAT
ASSAM
PIN-78501

Advocate for the Petitioner : MR S H SIKDAR

Advocate for the Respondent : SC, HIGHER EDU

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

ORDER

Date : 19.06.2024

Heard Mr. S.H.Sikdar, learned counsel for the petitioner and Mr. S.Bhuyan, learned counsel for the respondent Nos. 1 and 2. None has appeared on behalf of the respondent No. 3. Also heard Mr. R.R.Gogoi, learned counsel appearing on behalf of Mr. P.N.Goswami, learned Standing Counsel Assam Agricultural University

The petitioner by way of instituting the present proceeding has prayed for a direction upon Assam Agricultural University authorities to re-schedule the date of Mop-up round of counseling and to permit the petitioner to participate therein for admission into Under Graduate degree programme in the said University.

As projected in the writ petition, the petitioner appeared in the Common Entrance Test Under Graduate (CETUG)-22 conducted by the Assam Agricultural University for admission into the various Under Graduate degree programmes in the said University. The Petitioner had applied in the said examination under the defense personnel quota inasmuch, as his father is stated to have been working in the Central Reserve Police Force as a Sub-Inspector. The petitioner thereafter appeared in the examination held on 14.08.2022 and secured 92nd rank against the defense Personnel quota. The University authorities thereafter, informed the petitioner that a Mop-up round of UG counseling process would be scheduled on 20.02.2023 and he was directed to appear for the same. However, while proceeding for appearing in the said Mop-up round, the petitioner was taken ill

and accordingly was required to be hospitalized. For the said unfortunate development, the petitioner could not attend the Mop-up round on 20.02.2023. The petitioner contends that he had submitted a representation on 21.02.2023 and thereafter, has instituted the present proceeding praying for a re-scheduling of the said Mop-up round so as to facilitate his appearance therein.

The said representation as submitted by the petitioner was duly answered by the authorities of the Assam Agricultural University by way of a mail message dated 14.03.2023 wherein the petitioner was intimated that the admission process for the undergraduate degree programme of the Assam Agricultural University has since been concluded and no Mop-up round would be held for the purpose during the then prevailing academic session.

It is seen that the petitioner was called for appearing in the Mop-up round which is the last stage for filling up of the undergraduate seats available in the various programmes undertaken by the said university. However, due to the unfortunate incident of he falling sick and requiring hospitalization, the petitioner was prevented from appearing in the said Mop-up round of counseling, leading to be not being considered for admission in any of the programmes offered by the University in its undergraduate level. It is seen that the Mop-up round was so concluded and persons so selected were given admission into the courses available and the whole process was brought to its conclusion.

In the above view of the matter, this court at this juncture would not be in a position to direct the consideration of the case of the petitioner for admission into any one of the programmes inasmuch, as the academic session involved has also concluded and the process of admission into it also closed.

In that view of the matter, the direction as sought for by the petitioner for directing the Assam Agricultural University to hold a fresh Mop-up round of counseling for the petitioner would not be permissible to be granted by this court inasmuch, as such direction would have the affect of settling the already settled position with regard to the admissions as affected in the University for the sessions 2022-23.

Accordingly, the writ petition is held to be devoid of any merit and the same stands dismissed. However, there would be no order as to costs.

JUDGE

Comparing Assistant