

GAHC010075742023



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

Case No. : WP(C)/2154/2023

RANJOY SAHA
S/O- LATE PARITOSH SAHA, R/O- TRK ROAD, NAGAON, P.O AND DIST-
NAGAON, ASSAM, PIN-782001

VERSUS

GOVT OF ASSAM AND 9 ORS
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM, HIGHER EDUCATION
DEPARTMENT
DISPUR, GUWAHATI-6

2:THE DIRECTOR HIGHER EDUCATION

ASSAM
KAHILIPARA
GUWAHATI-19

3:THE GAUHATI UNIVERSITY
REPRESENTED BY ITS REGISTRAR
GAUHATI UNIVERSITY
GUWAHATI-781014

4:GOVERNING BODY
NOWGONG GIRLS COLLEGE
NAGAON

REP. BY ITS PRESIDENT
PIN-782002

5:THE PRINCIPAL
NOWGONG GIRLS COLLEGE
NAGAON

PIN-782002

6:DR. SANJAY BHATTACHARJEE
ASSOCIATE PROFESSOR BENGALI DEPTT.
GAUHATI UNIVERSITY
JALUKBARI
GUWAHATI
PIN-781013

7:DR. SANJAY DE
ASSOCIATE PROFESSOR
SUBJECT TEACHER OF BENGALI DEPTT.
NOWGONG COLLEGE
NAGAON
ASSAM
PIN-782001

8:PROF. RITA KALITA
EX VICE PRINCIPAL AND HOD OF STATISTICS
NOWGONG GIRLS COLLEGE
NAGAON
ASSAM
PIN-782002

9:DR. RITA RANI DEY
ASSTT. PROFESSOR
BENGALI DEPARTMENT
NOWGONG GIRLS COLLEGE
NAGAON
ASSAM
PIN-782002

10:PROF KALPANA BHATTCHARYA
VICE PRINCIPAL AND HOD OF STATISTICS
NOWGONG GIRLS COLLEGE
NAGAON
ASSAM
PIN-78200

Advocate for the Petitioner : MR. D K BAGCHI, MR. C CHOUDHURY,MS. M BARMAN

Advocate for the Respondent : SC, HIGHER EDU, MR. R PHUKAN (r-6),MR. B GOSWAMI (R-4,5),MR. R PHUKAN (R-7),MR. B ZAMAN (R-9),MR. B PURKAYASTHA(R-9),MR. A K DUTTA(R-9),MR. P KAKATI (R-4,5),MR. N BARUA (R-4,5),SC, G U

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 29.11.2024

Heard Mr. C. Choudhury, learned Senior Counsel, assisted by Ms. J. Das, learned counsel for the petitioner and Mr. D. Upamanyu, learned counsel for the respondent Nos. 1 and 2. Also heard Mr. P.J. Phukan, learned Senior Government Advocate for the respondent No. 3 and Mr. B. Goswami, learned counsel for the respondent Nos. 4 and 5.

2. The grievance of the petitioner, being sought to be addressed in this petition, is that he joined as Assistant Professor (Stage-I) in the Bengali Department of Nowgong Girls' College, Nagaon. He became eligible for consideration for promotion to the next higher stage i.e. Stage-II in view of the Office Memorandum No. AHE.162/2012/Pt./47, dated 13.11.2013. Thereafter, a Departmental Promotion Committee (DPC) meeting was held on 31.03.2014 and he was promoted to Stage-II. And after completion of another 5 years as Assistant Professor (Stage-II), the petitioner, in view of the Rule, became eligible to be considered for promotion to the next higher stage i.e. Assistant Professor (Stage-III). Thereafter, the petitioner had filed one representation for holding DPC for consideration of his case. But his case was not considered even after lapse of several years. As a result, the petitioner is at the verge of losing his seniority in service. In the meantime, the petitioner has completed 15 years of total service period and 3 years as Assistant Professor (Stage-III), for which he becomes eligible for promotion to Stage-IV of the post of Associate Professor, also and being deprived of his legitimate right of being considered for the promotion to the next higher stage, he has approached this Court, seeking

redress of his grievance, as aforesaid.

3. The respondents have filed their affidavit-in-opposition. The stand taken therein is that the petitioner did not submit his relevant papers along with his application for which his case could not be considered.

4. Mr. Goswami, learned counsel for the respondent Nos. 4 and 5 at the time of hearing, irrespective of the stand taken in their affidavit, submits that the respondent Nos. 4 and 5 are ready to consider the case of the petitioner and in order to consider his case, he has to submit all the relevant documents and that in the event of filing such an application, then respondent authorities shall consider the same within the stipulated period, if this Court is pleased to fix the same.

5. At this stage, Mr. Choudhury, learned Senior Counsel for the petitioner submits that at the relevant time, the petitioner had submitted all the relevant documents with the application, but due to some dispute, with the then Principal, his case was not considered. However, Mr. Choudhury also submits that the petitioner is agreeable to the proposal of Mr. Goswami if his case is considered for promotion to the post of Assistant Professor (Stage-III) and thereafter, to the next higher stage i.e. Associate Professor (Stage-IV). Further, Mr. Choudhury submits that in the meantime, new Rule came into force and the case of the petitioner has to be considered as per the Rules prevalent at the relevant point of time.

6. Mr. Goswami, learned counsel for the respondent Nos. 4 and 5 has agreed to the submission of Mr. Choudhury, learned Senior Counsel for the petitioner, that the same would be as per the Rules.

7. In view of the submissions of learned Advocates of both the parties and as agreed upon, this Court is inclined to dispose of this writ petition by directing

the respondent authorities, especially respondent Nos. 4 and 5 to consider the case of the petitioner for his promotion to Assistant Professor (Stage-III), in accordance with Rule prevalent at the relevant time, within a period of three months from the date of receipt of certified copy of this order.

8. Further, the petitioner is directed to submit all the relevant documents to the respondent No. 5 within a period of 10 days from today. After consideration of the promotion of the petitioner to Stage-III, if he is found suitable, and if he is entitled to promotion to the next higher stage, i.e. Stage-IV, the respondent Nos. 4 and 5 shall also consider the same in accordance with law. And preferably, the said exercise has to be carried out within a period of three months from the date of receipt of certified copy of this order.

9. The petitioner shall obtain a certified copy of this order and produce the same before the respondent No. 5 and on receipt of the same, the respondent Nos. 4 and 5 shall carry out the exercise within the stipulated period as indicated above.

10. In terms of above, the writ petition stands disposed of.

JUDGE

Comparing Assistant