

GAHC010077572021



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

Case No. : WP(C)/2838/2021

ASSAM UNIVERSITY TEACHERS ASSOCIATION
A BODY RECOGNIZED BY THE ASSAM UNIVERSITY,
ADDRESS P.O. ASSAM UNIVERSITY, DORGAKONA, SILCHAR 788011,
ASSAM, JOINTLY REPRESENTED BY ITS

(i) PRESIDENT IN CHARGE

DR. AMALENDU CHAKRABORTY,
S/O LATE KEDARESHWAR CHAKRABORTY,
ASSTT. PROFESSOR OF DEPTT OF FRENCH

(ii) GENERAL SECY.

DR. DEVASHISH SENGUPTA
S/O SOM NATH SENGUPTA,
ASSTT. PROFESSOR OF DEPTT. OF CHEMISTRY
BOTH RESIDENTS OF - ASSAM UNIVERSITY,
DORGAKONA, SILCHAR 788011, ASSAM.

VERSUS

1. THE ELECTION COMMISSION OF INDIA AND 8 ORS
REPRESENTED BY THE CHIEF ELECTION COMMISSIONER, ELECTION
COMMISSION OF INDIA NIRVACHAN SADAN,
ASHOKA ROAD, NEW DELHI 110001

2:THE CHIEF ELECTORAL OFFICER, ASSAM
ELECTION DEPTT.,
4TH FLOOR, BLOCK C,
ASSAM SECRETARIAT DISPUR
GUWAHATI 781006, ASSAM.

3:THE ADDITIONAL CHIEF ELECTORAL OFFICER, ASSAM
ELECTION DEPTT. 4TH FLOOR
BLOCK C ASSAM SECRETARIAT DISPUR
GUWAHATI 781006, ASSAM.

4:THE DIST. ELECTION OFFICER CUM DEPUTY COMMISSIONER
SILCHAR, CACHAR,
ASSAM 788001

5:UNION OF INDIA
REPRESENTED BY THE SECY.
DEPTT. OF HOME NORTH BLOCK
RASHTRAPATI BHAWAN, NEW DELHI 110004

6:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECY.
HOME DEPTT.
DISPUR, GUWAHATI 6

7:UNIVERSITY GRANTS COMMISSION
REPRESENTED BY ITS SECY.
BHADUR SHAH ZAFAR MARG,
NEW DELHI 110002

8:THE ASSAM UNIVERSITY
REPRESENTED BY THE REGISTRAR ASSAM UNIVERSITY
DORGAKONA, SILCHAR 788011

9:THE ASSAM STATE ELECTION COMMISSION,
DISPUR, RUKMINIGAON,
GUWAHATI, ASSAM-78100

For the Petitioner	:	Mr. K.K. Mahanta, Senior Advocate assisted by Ms. N. Begum, Advocate.
For the Respondent(s)	:	Mr. A.I. Ali, Standing Counsel, Election Commission of India for respondent Nos.1, 2, 3 & 4.
	:	Mr. K. Gogoi, Central Government Counsel for respondent No.5.
	:	Mr. D.K. Sarmah, Additional Senior Government Advocate, Assam for respondent No.6.
	:	Mr. A. Chamuah, Standing Counsel, UGC for respondent No.7.
	:	Mr. S.C. Keyal, Standing Counsel, Assam University for respondent No.8.
	:	Mr. R. Dubey, Advocate for respondent No.9.

– BEFORE –
HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE SUMAN SHYAM

15.02.2024

(Vijay Bishnoi, CJ)

This writ petition is filed by the petitioner Association challenging the validity of the provisions of Section 159 of the Representation of the People Act, 1951 (in short, "the RP Act, 1951").

Reply to the writ petition was filed on behalf of the respective respondents opposing the contentions of the writ petition.

After attempting to argue the matter on merits at length, Mr. K.K. Mahanta, learned Senior Counsel for the petitioner Association has submitted that he does not want to press this writ petition questioning the validity of Section 159 of the RP Act, 1951. However, he seeks liberty for the petitioner Association to move representation before the concerned authority in the Election Commission of India/State Election Commission, Assam for redressal of the grievances of the members of the petitioner Association regarding assignment of election duties to them.

Learned counsel for the respondents have no objection if the liberty, as prayed for, is granted to the petitioner Association.

In such circumstances, this writ petition is disposed of as withdrawn with liberty to the petitioner Association to move appropriate representation before the concerned authority in the Election Commission of India/State Election Commission, Assam for redressal of the grievances of the members of the petitioner Association regarding assignment of election duties. If such representation is filed by the petitioner Association within a period of 1(one) month from today, it is expected that the competent authorities of the Election Commission of India/State Election Commission, Assam shall consider the same objectively and expeditiously in the light of the

guidelines issued by the Election Commission of India from time to time and under the provisions of the Handbook for the Returning Officer issued by the Election Commission of India.

Learned counsel for the Election Commission of India/State Election Commission, Assam has assured that the representation, if any, is filed by the petitioner Association, as per the liberty granted, will be decided expeditiously.

JUDGE

CHIEF JUSTICE

Comparing Assistant