

GAHC010082472024



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

Case No. : WP(C)/2254/2024

DR. ALPANA MAHANTA
W/O- DR. BHABAJYOTI BORA, ASEB ROAD,H.NO-3, NEAR ULUBARI
MAZAR, ULUBARI, DIST- KAMRUP, ASSAM, PIN-781007

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM, DISPUR,
GUWAHATI-06

2:THE PRINCIPAL SECRETARY

GOVERNMENT OF ASSAM
SKILL DEVELOPMENT AND ENTREPRENEURSHIP DEPARTMENT
DISPUR
GUWAHATI-6

3:THE JOINT SECRETARY

GOVERNMENT OF ASSAM
SKILL DEVELOPMENT AND ENTREPRENEURSHIP DEPARTMENT
DISPUR
GUWAHATI-6

4:THE DIRECTOR

THE DIRECTORATE OF EMPLOYMENT AND CRAFTSMAN TRAINING
REHABARI
A.K AZAD ROAD
GUWAHATI-08

5:JYOTSNAMOYEE SAIKIA

DEPUTY DIRECTOR OF EMPLOYMENT
DIRECTORATE OF EMPLOYMENT AND CRAFTSMAN TRAINING
AK AZAD ROAD

REHABARI
GUWAHATI-08

6:ELVENA THAOSEN
DEPUTY DIRECTOR OF EMPLOYMENT
SOUTHERN ASSAM ZONE
SILCHAR
PIN-788001

7:NILOMONI BORGoyARI
DEPUTY DIRECTOR OF EMPLOYMENT
DIRECTORATE OF EMPLOYMENT AND CRAFTSMAN TRAINING
AK AZAD ROAD

REHABARI
GUWAHATI-08

8:GAURI KANTA RAHANG
DEPUTY DIRECTOR OF EMPLOYMENT
CENTRAL ASSAM ZONE
TEZPUR
PIN-78400

Advocate for the Petitioner : MR H K DAS

Advocate for the Respondent : SC, DIRECTORATE OF EMPLOYMENT

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

ORDER

Date : 29.07.2024

Heard Mr. H. K. Das, learned counsel for the petitioner, who submits that pursuant to the directions passed by this Court, the respondents have held the Departmental Promotion Committee meeting for promotion to the post of Joint Director, Employment, in terms of the provisions of the Assam Employment Service Rules, 1989 and the private respondent no. 5 on being so recommended by the DPC, came to be promoted vide an order dated 15.07.2024 to the post of Joint Director, Employment.

Mr. Das, learned counsel has further submitted that he has filed an RTI application for being furnished with the minutes of the DPC, basing on which the notification dated 15.07.2024, came to be issued, however, the same has not been furnished to him till date.

In view of the above, the counsels appearing for the respondents have further contended that nothing further arises for consideration in the present proceeding and in the event, the petitioner has any grievance, he shall be required to institute a fresh proceeding presenting a challenge to the recommendation of the DPC, as well as to the promotion as effected in the case of the respondent no. 5 herein.

In view of the above position and taking note of the stand of the respondents herein, the present writ petition would not be required to be detained for further adjudication and accordingly, the same stands closed.

The respondents herein would furnish to the petitioner, the requisite information as sought for under the RTI, Act 2005.

The petitioner would be at liberty to institute appropriate proceedings to present a challenge to the fresh seniority list as prepared for the incumbents in the cadre of Deputy Director, Employment, along with the recommendations of the DPC meeting, leading to the issuance of the notification dated 15.07.2024.

Mr. S. P. Das, learned counsel for the respondents by drawing the attention of this Court to the order dated 27.06.2024 has contended that therein, a submission on his behalf was recorded to the extent that the DPC would be convened within the next 15 days, which he contends was on account of the miscommunication that had arisen in the matter. Even if the said submission was recorded on account of any miscommunication, the subsequent steps taken by the respondents in convening the meeting of the DPC and taking the matter to its logical end, the contention of Mr. S. P. Das, as recorded in the order dated 27.06.2024 has to be held to have lost its significance in the matter.

JUDGE

Comparing Assistant