

GAHC010119712024



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

Case No. : WP(C)/3070/2024

RAJNANDINI BAIDYA
DAUGHTER OF SRI TAPAN KR. BAIDYA, R/O- NEAR LIBRARY
BORPATHARI GHURIA GAON, P.O. OPER UZARAGAON, PIN- 782101,
DISTRICT- NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, EDUCATION DEPARTMENT, DISPUR, GUWAHATI-6

2:THE CHAIRMAN
ASSAM HIGHER SECONDARY EDUCATION COUNCIL
BAMUNIMAIDAM
GUWAHATI-21

3:THE CONTROLLER OF EXAMINATION
ASSAM HIGHER SECONDARY EDUCATION COUNCIL
BAMUNIMAIDAM
GUWAHATI-21

4:THE SECRETARY
ASSAM HIGHER SECONDARY EDUCATION COUNCIL
BAMUNIMAIDAM
GUWAHATI-2

Advocate for the Petitioner : MR P DEKA

Advocate for the Respondent : SC, HIGHER EDU

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

ORDER

Date : 14.06.2024

Heard Mr. P.J. Saikia, learned senior counsel assisted by Mr. K.J. Saikia, learned counsel for the petitioner. Also heard Mr. D.K. Roy, learned standing counsel, Assam Higher Secondary Education Council.

2. As agreed to by the learned counsel for the parties, the present writ petition is taken up for final disposal.

3. As projected in the writ petition, the petitioner had cleared her Higher Secondary (Science) examination 2024 by scoring 96.2 in aggregate from Dawson H.S. & M.P. School, Nagaon.

4. The petitioner is desirous to pursue her MBBS course and accordingly in view of the provision of Rule 4(2)(d) of the Medical Colleges and Dental Colleges of Assam (Regulations of Admission into 1st year MBBS/BDS Courses) Rules, 2017 which mandates that candidates acquiring 1st and 2nd position in the current H.S. (Science) examination conducted by the Higher Secondary Education Council shall also be eligible to be called for counseling. However, he/she must secure the qualifying marks in the NEET.

5. It is the contention of the learned counsel for the petitioner that there was a change in the process of declaration of results and when the results of HS (Science) examination 2024 was so declared by the Council, the ranking secured by the candidates including the petitioner herein was not declared by the Council. Accordingly, the petitioner although having scored 96.2 marks in the said examination, she is not sure of the rank she had secured amongst the candidates qualifying in the said examination.

6. Accordingly, the petitioner has approached this Court by way of instituting the present petition praying for a direction upon the respondent authorities to provide her a list containing the marks secured by the 1st ten candidates qualifying in the said examination.

7. Mr. D.K. Roy, learned counsel for the respondent on whom a copy of the writ petition was so served has received instruction from the Secretary of the said Council and has submitted that the concerned authority would furnish to the petitioner the list of candidates securing marks within the 1st ten positions amongst the candidates appearing in the HS (Science) final examination, 2024 and copy

thereof would also be sent to the Director of Medical Education, Assam for record and further necessary action. He submit that the petitioner or her representative can approach the Secretary, Assam Higher Secondary Education Council within a period of seven days from today and the said list would so furnished so by the respondent authorities.

8. In view of the undertaking as given by Mr. D.K. Roy, learned counsel appearing for the Assam Higher Secondary Education Council, no further consideration is required to be made by this Court in the present writ petition and accordingly, the petitioner or her representative is directed to approach the Secretary, Assam Higher Secondary Education Council within a period of seven days from today during office hours for collecting the said list of candidates securing the first ten positions basing on marks scored in the HS (Science) Examination 2024. On such approach being made, the Secretary of the Council shall furnish such list without any further delay and as undertaken shall also forward such list to the Director of Medical Education, Assam.

9. With the above directions and observations, the writ petition stands disposed of.

JUDGE

Comparing Assistant