

GAHC010141782024



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

Case No. : WP(C)/3597/2024

PRABIN MAHATO
SON OF MAHIM MAHATO, R/O- VILLAGE- BENGENABARI JANGHAL, P.O.
ROWTA, P.S. MAZBAT, DISTRICT- UDALGURI, ASSAM, PIN- 784508

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY, TO THE GOVERNMENT
OF ASSAM, DEPARTMENT OF (HIGHER EDUCATION), DISPUR, GUWAHATI-
6

2:THE DIRECTOR
HIGHER EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19

3:THE BODO LAND TERRITORIAL COUNCIL
REPRESENTED BY THE PRINCIPAL SECRETARY
BTC
KOKRAJHAR
ASSAM
PIN- 783370

4:THE DIRECTOR OF EDUCATION
BOROLAND TERRITORIAL COUNCIL
KOKRAJHAR
PIN- 783370

5:THE PRESIDENT
GOVERNING BODY

KALAGURU BISHNU RABHA DEGREE COLLEGE
ORANG
DISTRICT- UDALGURI
BTC
ASSAM
PIN- 784114

6:THE PRINCIPAL
KALAGURU BISHNU RABHA DEGREE COLLEGE
ORANG
DISTRICT- UDALGURI
BTC
ASSAM
PIN- 78411

Advocate for the Petitioner : MR N N UPADHYAYA

Advocate for the Respondent : SC, HIGHER EDU

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 22.07.2024

- 1.** Heard Mr. R. Dhar, learned counsel for the petitioner.
- 2.** Also heard Mr. A.R. Tahbildar, learned standing counsel, Higher Education Department, for respondent Nos. 1 & 2 and Mr. S. Bora, learned standing counsel, BTC, for respondent Nos. 3 & 4.
- 3.** The petitioner has earlier approached this Court by filing WP(C) No. 2656/2022, which was disposed of by order dated 15.06.2023.
- 4.** The relevant portion of the order, dated 15.06.2023 passed in WP(C) No. 2656/2022, reads as under:

“The Director of Education, Bodoland Territorial Council, by order dated 17th December, 2019 sanctioned financial grant-in-aid for payment of salary/remuneration to the attached and non-attached staff of four colleges amongst which the name of the college in which the petitioner was serving is shown at Sl. No. 4. The District Level Scrutiny Committee recommended the case of the petitioner and the respondent No. 9 for provincialisation of the services on the basis of initial joining time. The dispute in the present writ petition is with regard to the time of joining to the post of Grade-IV between the respondent No. 9 and the petitioner.

However, at this stage, the learned counsel for the petitioner submits that he is not pressing this writ petition against the respondent Nos. 8 and 9 inasmuch as there is already a vacancy of Grade-IV in Kalaguru Bishnu Rabha Degree College due to the demise of one Bishnu Mahato.

Drawing the attention of this Court to the additional affidavit filed by the petitioner in the present writ petition, particularly, to Annexure-VIII, which is the Death Certificate of said Bishnu Mahato, he submits that the case of the petitioner may be adjusted against the said vacancy.

Such adjustment/appointment to a vacancy, in my considered opinion should be first considered by the respondent No. 2/Director, Higher Education, Assam.

Accordingly, the writ petition is disposed of directing the petitioner to file a representation before the respondent No. 2 by annexing a copy of the writ petition as well as the additional affidavit along with the annexures appended thereto within a period of two weeks from today.

Thereafter, on receipt of the representation, the respondent No. 2 shall consider and dispose of the same after verifying all relevant documents in accordance with law within a period of two months from the date of receipt of the representation from the petitioner.

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

5. Thereafter, the petitioner submitted his representation on 26.06.2023 before the Director, Higher Education, Assam / Respondent No. 2, as directed by this Court on 15.06.2023.

6. The grievance of the petitioner is that the representation dated 26.06.2023 is yet to be disposed of by the Director, Higher Education, Assam / Respondent No. 2 till date.

7. Considering the short issue involved, this writ petition is disposed of directing the Director, Higher Education, Assam to consider the representation dated 26.06.2023 made by the petitioner in terms of the order dated 15.06.2023 passed in WP(C) No. 2656/2022 and disposed of the same by an speaking order and in accordance with law within a period of 1 (one) month from the date of receipt of a certified copy of the order of this Court.

8. With the above observations and directions, the writ petition is disposed of.

JUDGE

Comparing Assistant