

GAHC010145032022



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

Case No. : WA/245/2022

DIPANJALI SAIKIA
W/O- DHYAN JYOTI HAZARIKA, B.SC IN ZOOLOGY (MAJOR), M.SC. IN
BIOTECHNOLOGY, PH.D., GATE, SLET, R/O VILL. HAAHCHARA,
BORALIGAON, DIST.- NAGAON, ASSAM, PIN- 782140.

VERSUS

1: THE STATE OF ASSAM AND 7 ORS. REPRESENTED BY THE
COMMISSIONER AND SECRETARY, TO THE GOVT. OF ASSAM,
DEPARTMENT OF HIGHER SECONDARY EDUCATION, DISPUR, GUWAHATI,
ASSAM, PIN- 781006.

2: THE DIRECTOR OF HIGHER EDUCATION
ASSAM KAHILIPARA GUWAHATI ASSAM PIN- 781019.

3: THE ASSAM UNIVERSITY, SILCHAR REPRESENTED BY ITS VICE
CHANCELLOR DIST. CACHAR ASSAM PIN- 788014.

4: THE GAUHATI UNIVERSITY GUWAHATI REPRESENTED BY ITS VICE
CHANCELLOR JHALUKBARI GUWAHATI ASSAM PIN- 781014.

5: THE UNIVERSITY GRANT COMMISSION REPRESENTED BY ITS
CHAIRPERSON BAHADUR SHAH ZAFAR MARG NEW DELHI PIN- 110002.

6: THE DIRECTOR GENERAL COUNCIL OF SCIENTIFIC AND INDUSTRIAL
RESEARCH MINISTRY OF SCIENCE AND TECHNOLOGY GOVT. OF INDIA
ANUSANDHAN BHAWAN 2 RAFI AHMED KIDWAI MARG NEW DELHI-
110001.

7: THE DIBRUGARH UNIVERSITY DIBRUGARH REPRESENTED BY ITS
REGISTRAR DIBRUGARH UNIVERSITY DIBRUGARH ASSAM PIN- 786004.

8: THE PRINCIPAL NOWGONG GIRLS COLLEGE
NAGAON ASSAM PIN- 782001

For the Appellant(s) : Mr. B. Purkayastha, Advocate.

For the Respondent(s) : Mr. S. Das, Standing Counsel, Education (Higher) Department for respondent Nos.1 & 2.
: Ms. N. Kakati, Advocate for respondent No.3.
: Mr. A. Dey, Advocate on behalf of Mr. P.J. Phukan, Standing Counsel, Gauhati University for respondent No.4.
: Mr. A. Chamuah, Standing Counsel, UGC for respondent No.5.
: Mr. K. Gogoi, Central Government Advocate for respondent No.6.
: Mr. P. Kakati, Advocate for respondent No.8.

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI

HON'BLE MR. JUSTICE SUMAN SHYAM

31.07.2024

(Vijay Bishnoi, CJ)

This writ appeal is filed by the appellant being aggrieved with the order dated 24.06.2022 passed by the learned Single Judge in WP(C) No.4169/2022.

The appellant, who is the petitioner before the learned Single Judge, has challenged the decision of the Academic Council of the Gauhati University dated 02.02.2022 as well as the decision of the Dibrugarh University dated 12.01.2021. The learned Single Judge has observed that the said decisions of the Gauhati University as well as the Dibrugarh University were taken pursuant to the order passed by this Court on 22.02.2021 in WP(C) No.1034/2021 as well as the order dated 17.11.2020 passed in WP(C) No.3642/2021. The learned Single Judge was of the view that the above referred judgments still hold the field and have not been reversed or reviewed and, therefore, no fault can be found with the decisions of the respective Universities in passing the impugned orders.

Mr. B. Purkayastha, learned counsel for the appellant has submitted that he has already preferred a review petition seeking review of the order 22.02.2021 passed in WP(C) No.1034/2021 and that the said review petition is still pending consideration before this Court.

In such circumstances, we are of the view that when the appellant has already filed a review petition seeking review of the order dated 22.02.2021 passed in WP(C) No.1034/2021, we find no reason to keep this writ appeal pending. The same is, therefore, disposed of. However, it will be open for the appellant to seek appropriate legal remedy against the impugned order dated 24.06.2022 passed by the learned Single Judge in WP(C) No.4169/2022 after the disposal of the review petition.

JUDGE

CHIEF JUSTICE

Mukut

Comparing Assistant