

GAHC010157202024



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

Case No. : WP(C)/3925/2024

JUGAL PHUKAN AND 59 ORS
S/O DIPEN PHUKAN
DEPT. ENGLISH, 3RD SEMESTER,
R/O MORANHAT, DIST. TINSUKIA, ASSAM

2: MANASH SAIKIA
S/O-BOGEN SAIKIA
DEPT. ASSAMESE
3RD SEMESTER
R/O-LAKHIMPUR.
DIST. LAKHIMPUR
ASSAM

3: BHASKAR PRATIM GOGOI

S/O- BIPUL KUMAR GOGOI.
DEPT. PHYSICS
I. M. SC 7TH SEMESTER

R/O- KHELMATI
DIST. LAKHIMPUR
ASSAM

4: SUPRATIM SENAPATI
S/O- SUSHIL SENAPATI.
DEPT. ENGLISH
3RD SEMESTER.
R/O- NAKAVANI
DIST. SIBSAGAR
ASSAM.

5: DHRUBA JYOTI GOGOI
S/O- MANURANJAN GOGOI.
DEPT. LIFE SCIENCE

3RD SEMESTER
R/O- HILOITARI
DIST. LAKHIMPUR
ASSAM.

6: HARISH SINGH
S/O- GULAP SINGH.
DEPT. PHYSICS
3RD SEMESTER
R/O-BOGIBILL
JAGALONI GRANT.
DIST. DIBRUGARH
ASSAM

7: PRATAP BARIK
S/O- PROBIN BARIK.
DEPT. SOCIOLOGY
3RD SEMESTER.
R/O- MAJULI
DIST. MAJULI
ASSAM.

8: PRANJIT SAIKIA
S/O-LATE BHARAT SAIKIA

DEPT. COMMERCE
3RD SEMESTER.
R/O-GOLAGHAT
CHANDMARI
PURBANCHAL PATH
DIST. GOLAGHAT
ASSAM

9: ANKUR PRASAD BORGOHAIN

S/O-GIRISH BORGOHAIN.
DEPT. COMMERCE
3RD SEMESTER.
R/O-GOLAGHAT
JONAKI NAGAR 2.NO BAN GAON
DIST. GOLAGHAT
ASSAM.

10: SARANGA BORAH
S/O-KESHAB BORAH
DEPT. PHYSICS
3RD SEMESTER
R/O- NO. 1 BORBALI

PO BORBALI
PS. BORBALI
DIST. LAKHIMPUR
ASSAM

11: KANKAN JYOTI BORUAH
S/O- HOREN BARUAH
DEPT. HISTORY
3RD SEMESTER
R/O- DERGAON
DIST. GOLAGHAT
ASSAM

12: KARAN DOLAKASHARIA
S/O-LILA DOLAKASHARIA
DEPT. PHYSICS
1ST SEMESTER.
R/O- LAKHIMPUR
DIST. LAKHIMPUR
ASSAM

13: RIDIP BORAH
S/O- RAMEN BORAH
DEPT. HISTORY
3RD SEMESTER
R/O- DOOMDOOMA
DIST. TINSUKIA

ASSAM.

14: RUPAM MORAN
S/O-MANDHIR MORAN
DEPT. LIFE SCIENCE
3RD SEMESTER.
R/O- DIGHALIPATHAR
DIST. TINSUKIA

ASSAM.

15: RUPJYOTI SAIKIA
S/O-SONA SAIKIA
DEPT. EDUCATION

3RD SEMESTER
R/O-NUMALIGARH
DIST. GOLAGHAT
ASSAM

16: GYANDEEP GOGOI
S/O- NUMAL CHANDRA GOGOI.
DEPT. MATHEMATICS
3RD SEMESTER
R/O- HATIGARH
DIST. DHEMAJI

17: KANGKAN JYOTI KALITA
S/O- JAGAT KALITA.
DEPT. ECONOMICS
3RD SEMESTER
R/O- JORHAT
DIST. JORHAT
ASSAM

18: SANTANU NANDAN KASHYAP
S/O-CHANDAN KAKOTY

DEPT. COMMERCE 3RD SEMESTER
R/O-DIBRUGARH UNIVERSITY
DIST. DIBRUGARH
ASSAM

19: RAJDEEP GOGOI
S/O-PRANAB JYOTI GOGOI
DEPT. MATHEMATICS
3RD SEMESTER
R/O-DULIAJAN
DIST. TINSUKIA
ASSAM

20: NILUTPAL DAS

S/O-NAGEN CHANDRA DAS
DEPT. PHYSICS
3RD SEMESTER
R/O-ADABARI
GARGAON
DIST. SIBSAGAR
ASSAM

21: JUGAL KISHOR GOGOI
S/O-AKHIL GOGOI
DEPT. HISTORY
3RD SEMESTER.
R/O- TAMULICHIGALUKHURAKHON GAON.
DIST. JORHAT
ASSAM.

22: BHASKARJYOTI LAHAN
S/O-RAJEN LAHAN
DEPT. CHEMISTRY
3RD SEMESTER.
R/O- NAKATANI
DIST. SIBSAGAR
ASSAM

23: MRIDU POBAN BORA
S/O- PHULENDRA BORA
DEPT. MATHEMATICS
3RD SEMESTER
R/O-DHORIAGAON
KAKODONGA
DIST. GOLAGHAT
ASSAM.

24: ARNAB BARUAH

S/O- BASANTA BARUAH
DEPT. ENGLISH
3RD SEMESTER.
R/O-TINSUKIA
DIST. TINSUKIA
ASSAM.

25: SABYASACHI KALITA
S/O-LATE PRABIN CHANDRA KALITA.
DEPT. APPLIED GEOLOGY
3RD SEMESTER.
R/O-BAREGHAR
BHAKAT GAON

DIST. SIVASAGAR
ASSAM

26: KHIRUD KALITA

S/O-PRODIP KALITA.
DEPT. HISTORY
3RD SEMESTER.
R/O- DIBRUGARH UNIVERSITY.
DIST. DIBRUGARH
ASSAM.

27: PINOJYOTI PEGU

S/O RAM PEGU.
DEPT. HISTORY
3RD SEMESTER.
R/O- DIBRUGARH UNIVERSITY.
DIST. DIBRUGARH
ASSAM

28: SAHEEL KHAN
S/O- BADRUL ISLAM.
DEPT. APPLIED GEOLOGY
3RD SEMESTER.
R/O-NAGAON
DIST. NAGAON
ASSAM.

29: PRANTUPROTIM BORAH
S/O- PROBIN BORAH
DEPT. MATHEMATICS
3RD SEMESTER.
R/O- SIBSAGAR
DIST. SIBSAGAR
ASSAM

30: ANKUR HANDIQUE
S/O-DIBYAJYOTIHANDIQUE
DEPT. ECONOMICS
3RD SEMESTER.
R/O-RAJAPOLHANDIQUE GAON
NAZIRA

DIST. SIBSAGAR.

31: SUBRAT SHYAM
S/O- NIRMAL SHYAM
DEPT. LIFE SCIENCE
3RD SEMESTER

R/O- CHALPATHER
DIST. DHEMAJI

32: BITU DAS

S/O- BIREN DAS
DEPT. CHEMISTRY
3RD SEMESTER
R/O- DHAKUAKHANA
DIST. LAKHIMPUR
ASSAM

33: CHITRA MISSONG

S/O-LABAN SINGH.
DEPT. ECONOMICS
3RD SEMESTER.
R/O- DHEMAJI.
DIST. DHEMAJI
ASSAM.

34: GOUTAM SAIKIA

S/O- ATUL SAIKIA.
DEPT. ECONOMICS
3RD SEMESTER.
R/O- MAJULI
DIST. MAJULI
ASSAM

35: BHUSHAN LAHON

S/O- DIPAK LAHON
DEPT. CHEMISTRY
3RD SEMESTER.
R/O-NITAIPUKHURI
DIST. SIBSAGAR
ASSAM

36: MANASH PRATIM BORAH

S/O- SONARAM BORAH
DEPT. EDUCATION
3RD SEMESTER.
R/O- K.B. ROAD
NORTH LAKHIMPUR.
DIST. LAKHIMPUR
ASSAM.

37: NUR HUSSAIN

S/O- KHALILUR RAHMAN.
DEPT. POLITICAL SCIENCE
3RD SEMESTER.
R/O- DARRANG
DIST. DARRANG
ASSAM

38: VARUN PEGU

S/O-BHABEN PEGU

DEPT. SOCIOLOGY

3RD SEMESTER
R/O-SILAPATHAR.
DIST. DHEMAJI
ASSAM

39: SATYARANJAN BHATTACHARYYA
S/O-PURNA BHATTACHARYYA
DEPT. ASSAMESE
3RD SEMESTER.
R/O-DIBRUGARH
DIST. DIBRUGARH
ASSAM

40: WASHIM AKRAM
S/O-MD. MOHSIN.
DEPT. PHYSICS
3RD SEMESTER.
R/O-CHOTAHAPJAN 3 NO. LINE.
DIST. TINSUKIA
ASSAM

41: BHASKAR JYOTI PAO
S/O-BICHITRA PAO
DEPT. ANTHROPOLOGY
3RD SEMESTER.
R/O-SILAPATHAR
DIST. DHEMAJI
ASSAM

42: NITESH SHARMA

S/O-RAMPRASAD SHARMA.
DEPT. PHYSICS
3RD SEMESTER.
R/O-NEPALIKHUTI
DIST. GOALPARA
ASSAM

43: MADHURJYA NATH
S/O-MADAN CHANDRA NATH
DEPT. LIFE SCIENCE
3RD SEMESTER.
R/O-SIPAJHAR.
DIST. DARRANG
ASSAM

44: RINTU SARMA
S/O-PUNARAM SARMA.
DEPT. STATISTICS
3RD SEMESTER.
R/O-MANGALDAI.
DIST. DARRANG
ASSAM

45: PUSPODHAR PEGU
S/O-BHABAKANTA PEGU.
DEPT. ECONOMICS
3RD SEMESTER.
R/O-DIBRUGARH UNIVERSITY.
DIST. DIBRUGARH
ASSAM

46: LENISH MILI

S/O-KIRITI MILI
DEPT. HISTORY
3RD SEMESTER.
R/O-SENCHOWAPUKHURI
DIST. DIBRUGARH
ASSAM

47: JOIN CHAWHAI
S/O-LATE NIMET CHAWHAI.
DEPT. EDUCATION
3RD SEMESTER.
R/O-PANGSOONGAON.
DIST. SIVASAGAR
ASSAM

48: BISWAJIT SAIKIA
S/O-BASANTA SAIKIA.
DEPT. POLITICAL SCIENCE
3RD SEMESTER.
R/O-DHEMAJI.
DIST. DHEMAJI
ASSAM.

49: RAHUL KARDONG
S/O-RUDRA KARDONG.
DEPT. MATHEMATICS
3RD SEMESTER.
R/O-BATUAMUKH.
DIST. DHEMAJI
ASSAM

50: RAKESH NGATEY GAM
S/O-HUKUMSINGNGATEY GAM

DEPT. ECONOMICS
3RD SEMESTER
R/O- 1 NO. PHUTUKI
DIST. MAJULI
ASSAM.

51: BHARAT BHUSAN BARUAH
SEM- 5TH
DEPARTMENT- CJS

VILLAGE- MAJULI

P.S.- KAMALABARI
C.O- DADHI RAM BARUAH

52: AMAN KUMAR SHAH
S/O- MAHADEV SAH

SEM- 7TH
DEPARTMENT- PHYSICS

VILLAGE- DOOMDOOMAPATHAR GAON

DIST- TINSUKIA
ASSAM.

53: DHRUBA JYOTI BORGOHAIN
S/O- PRONABBORHOHAIN

SEM- 3RD
DEPARTMENT- POLITICAL SCIENCE
VILLAGE- MECHAGARH

P.S.-NAZIRA
DIST- SIVASAGAR
ASSAM

54: KOUSTAVLOYING
S/O- UKENLOYING

SEM- 3RD
DEPARTMENT- POLITICAL SCIENCE

VILLAGE- BADULIPAR

DERGAON
DIST- GOLAGHAT

55: PRANTU PRATIM BORA
S/O- PROBIN BORAH

SEM- 3RD
DEPARTMENT- MATH

VILLAGE- SHANTIPUR
DIST- SIVASAGAR

56: GOBINDA DAS
S/O- TIKHESWAR DAS

SEM- 3RD
DEPT- ECONOMICS
VILLAGE- DEHING THAN GAON
DIST- DIBRUGARH

57: BRAJA MOHAN DAS
S/O- THANESWAR DAS

SEM- 3RD
DEPARTMENT- POLITICAL SCIENCE

VILLAGE- SANTIPUR
DIST- MORIGAON

58: DINBODHAR MILI
S/O- TULAN CHANDRA MILI

SEM- 3RD
DEPARTMENT- ECONOMICS

VILLAGE- SUMONI GAON
DIST- SIVASAGAR

59: DHURBAJYOTI SAIKIA
S/O- MUKUL SAIKIA

SEM- 3RD
DEPARTMENT- CHEMISTRY

VILLAGE- BALIGAON
DIST- LAKHIMPUR
ASSAM

60: GOUTAM SAIKIA
S/O- ATUL SAIKIA

SEM- 3RD
DEPT. ECONOMICS.
VILLAGE- BENGENAATI SATRA
DIST- MAJUL

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, HIGHER EDUCATION DEPARTMENT, DISPUR,
PIN- 781006

2:THE VICE-CHANCELLOR OF DIBRUGARH UNIVERSITY
DIBRUGARH
PIN-786004

3:THE REGISTRAR OF DIBRUGARH UNIVERSITY
DIBRUGARH
PIN-786004

4:THE DEPUTY REGISTRAR OF DIBRUGARH UNIVERSITY
DIBRUGARH
PIN-786004

5:DEAN OF STUDENT AFFAIRS

DIBRUGARH UNIVERSITY
DIBRUGARH
PIN-786004.

6:THE CHIEF WARDEN OF DIBRUGARH UNIVERSITY
DIBRUGARH
PIN-78600

Advocate for the Petitioner : MR. A CHAMUAH, MS A.DAS,MS P.HAZARIKA

Advocate for the Respondent : SC, HIGHER EDU, SC, DIB. UNIVERSITY

BEFORE
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

05.08.2024

O R D E R

Heard Mr. A. Chamuah, learned counsel for the petitioners. Also heard Mr. S. Bhuyan, learned Standing Counsel, Higher Education Department, Government of Assam, for respondent No.1 and Mr. R. Mazumdar, learned Standing Counsel, Dibrugarh University, for respondent Nos.2 to 6.

2. The petitioners before this Court are students of various Departments and Classes studying under the Dibrugarh University and they are the boarders of Padma Nath Gohain Baruah Chatra Niwas (PNGBCN, in short). Being aggrieved with the Notification, dated 26.07.2024, issued by the Deputy Registrar (Administration), Dibrugarh University, they are before this Court assailing the same in the present writ petition.

3. For a better adjudication of the matter, the Notification, dated 26.07.2004, is reproduced here-in-below:

“NOTIFICATION

In pursuance of the decision taken in the Hostel Admission Committee (HAC) held on 21.06.2024, the following arrangements have been made:

- 1. Existing boarders of PNGBCN – B block are shifted to MAHCN.*
- 2. Existing boarders of PNGBCN – A, B and C Block, MDCN and boarders of LDCN (CSL and Dept of Education) are shifted to MBCN.*
- 3. Existing boarders of LDCN (DUIET, CSPES, CCSA, CJS, CMS, CPA) are*

allotted in same hostel.

- 4. Existing boarders of MAHCN are allotted in same hostel.*
- 5. Existing boarders of MBCN are allotted in the same hostel.*
- 6. PNGBCN – A, B and C Block is for new boarder under PG Courses.*
- 7. GPDCN is for new boarder under UG Courses.*

The process of hostel shifting for existing should be made on or before 4th August, 2024.”

4. Mr. Chamuah, learned counsel for the petitioners, submits that the existing boarders of PNGBCN are shifted to MAHCN and MBCN and the PNGBCN – A, B and C Block are being allotted to the new boarders under the PG courses. It is also submitted that the boarders in the PNGBCN have developed some attachment for the said hostel and if they are shifted now, the same would cause a lot of inconvenience as they have to adjust in the new environment. It is also submitted that the Notification, dated 26.07.2024, was issued on a decision taken by the Hostel Admission Committee who have no jurisdiction to take such decision. He, therefore, submits that the petitioners be permitted to continue their Semester in the said PNGBCN particularly when no reasons have been given in the said Notification, dated 26.07.2024 for shifting the petitioners to a different hostel.

5. Mr. Mazumdar, learned Standing Counsel, Dibrugarh University, on the other hand, has drawn the attention of this Court to the Communication, dated 11.10.2009, issued by the Joint Secretary, University Grants Commission (UGC, in short) and addressed to the Registrars of all the Universities whereby the UGC Regulations on Curbing the Menace of Ragging in Higher Educational Institutions, 2009 has been circulated. It is submitted that Regulation 6.2(j) provides that freshers shall be lodged, as far as may be, in a separate hostel block and where

such facilities are not available, the institution shall ensure that access of seniors to accommodation allotted to freshers is strictly monitored by wardens, security guards and other staff of the institution and, therefore, the Dibrugarh University while trying to curb the menace of ragging in the University, issued the Notification dated 26.07.2024 with the sole purpose to have the new boarders in the PNGBCN – A, B and C Block.

It is also submitted that in the Minutes of the Three Hundred Fifty First (Emergency) Meeting of the Executive Council of the Dibrugarh University, which was held on 23.12.2022, a resolution was passed resolving as follows:-

- “1. Installation of CCTV cameras in the entrances and also in the sensitive areas around the hostels.*
- 2. Sudden checks, monitoring and inspections be conducted in the hostels of the University through the Anti Ragging Squad of the University on regular basis.*
- 3. The newly admitted students be preferably allotted separate hostels during their first year of academic session.*
- 4. Unauthorised occupants, if found in the hostels, be evacuated immediately for which help from police department be taken, if necessary.*
- 5. The grievance redressal mechanism of the hostels of the University be strengthened.”*

6. In the said Resolution reproduced here-in-above, he submits that the University authorities took a decision to have the newly admitted students allotted separate hostel from the first year of academic session. He, accordingly, submits that in the impugned Notification, dated 26.07.2024, particularly at Serial No.6, it has been specifically specified that the PNGBCN – A, B and C Block are for new

boarders under PG courses. The University, therefore, by the said Notification, dated 26.07.2024, is only implementing the Resolution taken in the Three Hundred Fifty First (Emergency) Meeting of the Executive Council held on 23.12.2022 and also to ensure that ragging is curbed in the University in terms of the UGC Regulations that was circulated by Communication, dated 11.10.2009.

It is also submitted that for the new academic session, the students have been admitted and they have been allotted hostels. However, as the petitioners are refusing to vacate the said PNGBCN, the new students are being accommodated in the University Guest House at night, which is causing untold hardship to the new students and their parents.

7. After hearing learned counsel for the parties and on perusal of the Notification, dated 26.07.2024, this Court is of the considered opinion that the University authorities have taken a decision to allow the PNGBCN – A, B and C Block for the new boarders under PG courses. This Court has also noticed that the petitioners have not been dislodged from the hostel inasmuch as they have been allowed to shift to different hostels under the Dibrugarh University.

8. The petitioners, who are students of Dibrugarh University, have no vested right to claim that they should be lodged in a particular hostel of their choice. Further, the Dibrugarh University Hostel Rules, 2015, provides at Rule 7 (e) that normally a boarder will be admitted only for one academic session and may be re-admitted subject to some conditions provided therein. Therefore, in the considered opinion of this Court, the petitioners cannot claim, as a matter of right, to be lodged in the said PNGBCN till they complete their academic session. Being students, they are expected to be disciplined and follow the Rules prescribed by the University and, therefore, when the students have been given alternative arrangements particularly with the intention to accommodate students who are

being newly admitted for the new Semester, this Court sees no reason as to why the said Notification, dated 26.07.2024, issued by the Deputy Registrar (Administration), Dibrugarh University should be interfered with.

9. Accordingly, this writ petition, being devoid of merit is dismissed.

10. Learned counsel for the petitioners submits that the students are presently undergoing hunger strikes in the premises of the hostel. Accordingly, despite dismissal of the writ petition, the University authorities are directed to ensure that proper medical treatment are given to the petitioners and an attempt should be made to settle the matter amicably provided, of course, there is cooperation from the petitioners' side.

JUDGE

Comparing Assistant