

GAHC010163702024



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

**Case No. : WP(C)/4162/2024**

KAMAL KRISHNA NATH  
S/O RIPUNJOY KUMAR NATH  
VILL- AGIA PART-II  
P.O. AGIA, DIST. GOALPARA, PIN-783120

VERSUS

THE STATE OF ASSAM AND 5 ORS  
REPRESENTED BY ITS COMMISSIONER AND SECRETARY OF THE GOVT.  
OF ASSAM, HIGHER EDUCATION DEPARTMENT, DISPUR, GHY-6, ASSAM

2:THE JOINT SECRETARY TO THE GOVT. OF ASSAM

HIGHER EDUCATION DEPARTMENT  
DISPUR  
GHY-6  
ASSAM

3:DIRECTOR OF HIGHER EDUCATION ASSAM

KAHILIPARA  
GHY- 14  
ASSAM

4:THE STATE OF ASSAM

THE OFFICE OF THE DISTRICT COMMISSIONER  
GOALPARA BRANCH OFFICER (E-DISTRICT BRANCH) GOALPARA.

5:HABRAGHAT MAHAVIDYALAYA  
REPRESENTED BY DR. MANTU KUMAR DAS  
PRINCIPAL

HABRAGHT  
MAHAVIDYALAYA  
P.O. KRISHNAI  
DIST. GOALPARA  
ASSAM  
PIN-783126

6:SHOFIQR ROHMAN  
S/O ABDUL HASHEM  
VILL- NIDANPUR  
PT.II  
P.O. LAKHIPUR  
P.S. LAKHIPUR

DIST. GOALPARA  
ASSA

**Advocate for the Petitioner** : MR N RAY, MR. K NATH

**Advocate for the Respondent** : GA, ASSAM, SC, HIGHER EDU

**BEFORE**  
**HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

**ORDER**

**18.09.2024**

Heard Shri N. Ray, learned counsel for the petitioner. Also heard Shri D. Upamanyu, learned Standing Counsel, Higher Education Department.

2. The writ petition was filed with the following relief:

*“In the aforesaid premises it is therefore prayed that Your Lordships would graciously be pleased to call for the records, issue Rule calling upon the Respondents to show cause as to why Writ in the nature of Certiorari should not be issued to remove the name of Mr. Shofiqur Rohman and select from the merit list which has been prepared during the selection process/interview conducted by the Respondent College on 18.01.2024 for filing up the 2 number of*

*posts of Grade-iv/ Library Bearer in Habraghat Mahavidyalaya Krishnai pursuant to the advertisement dated 01.12.2023 and further, as to why Writ in the nature of Mandamus should not be issued to direct the Respondent College to select the candidate on merit on the basis of the conducted interview dated.18.01.2024 for filing up the 2 numbers of posts of Grade-iv/ Library Bearer in Habraghat Mahavidyalaya Krishnai, and as to why any other and further order(s)/direction as to this Hon'ble Court deems fit and proper should not be issued for the ends of justice, and upon causes that may be shown by the Respondents and upon hearing the parties make the Rule absolute.*

*-And-*

*During the pendency of the instant writ petition appointments in connection with filing up of 2 number of post of Grade-iv Library Bearer of Habraghat Mahavidyalaya Krishnai may kindly be stayed. And for this act of kindness your humble petitioner shall remain every prey."*

3. When this matter was listed earlier, Shri D. Upamanyu, learned Standing Counsel was directed to obtain the instructions.
4. The learned Standing Counsel has however informed this Court that on a verification made, the testimonial of the aforesaid respondent no. 6 whose selection is the subject matter of challenge were found to be not genuine and accordingly, the approval has been cancelled on 02.09.2024 by the Deputy Director, Higher Education. He has also referred to the affidavit-in-opposition filed yesterday, copy of which has been placed before this Court.

5. Let such affidavit be tagged with the records.
6. In view of the aforesaid development, there is no live cause of action to be adjudicated. Accordingly, the writ petition is closed.
7. The authorities are now required to take decision on the future course of action.

**JUDGE**

**Comparing Assistant**