

GAHC010172332024



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

Case No. : I.A.(Civil)/2697/2024
in
WA/269/2024

PROF. GURU PRASAD KHATANIAR
S/O- LATE RAJANI KANTA KHATANIAR, R/O- KRISHNA NAGAR, NEAR
HOLY CHILD SCHOOL, GHY- 781003

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM,
EDUCATION (HIGHER) DEPTT, KAHILIPARA, GHY- 19

2:THE DIRECTOR OF HIGHER EDUCATION
ASSAM
KAHILIPARA
GHY- 19

3:THE BHATTADEV UNIVERSITY
REP. BY ITS VICE CHANCELLOR
BAJALI
PATHSALA
PIN- 781325
ASSAM

4:THE REGISTRAR (IN CHARGE)
BHATTADEV UNIVERSITY
BAJALI
PATHSALA
PIN- 781325
ASSAM

5:THE EXECUTIVE COUNCIL OF BHATTADEV UNIVERSITY

REP. BY ITS EX OFFICIO MEMBERS
BAJALI
PATHSALA
PIN- 781325
ASSAM

6:THE GAUHATI UNIVERSITY
REP. BY ITS VC
GHY- 14

7:THE REGISTRAR
GAUHATI UNIVERSITY
GHY- 14

8:PROF. BIRINCHI KUMAR DAS
VC
BHATTADEV UNIVERSITY
HOUSE NO. 3A
KAILASHPUR MAIN BYE LANE
LANKESWAR JALUKBARI
GUWAHATI 781014 ASSA

Advocate for the Petitioner : MR. M K CHOUDHURY, MR. M SARMA,MR P BHARADWAJ

Advocate for the Respondent : SC, HIGHER EDU, SC, G U

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

23.09.2024

(S.K. Medhi, J.)

Heard Shri M. Sarma, learned counsel for the applicant. Also heard Shri S. Bhuyan, learned Standing Counsel, Higher Education Department; Shri A. Dey, learned counsel appearing on instructions of Shri PJ Phukan, learned Standing Counsel, Gauhati University and Shri J. Patowary, learned counsel, Bhattadev University and its Officers – respondent nos. 3, 4 and 5.

2. By the instant application, the applicant / appellant has prayed for suspension of an advertisement dated 17.08.2024 issued by the respondent no. 3 - the Bhattadev University. The said advertisement is for filling up of the post of Registrar of the University.

3. It is the case of the applicant that while on probation, he was relieved from the service which was the subject matter of the writ petition which was dismissed and the connected WA/269/2024 is preferred against the aforesaid order of dismissal.

4. It is submitted that if the present recruitment process is continued, prejudice would be suffered to the applicant and therefore, he has prayed for stay of further proceeding.

5. Shri Patowary, learned counsel for the respondent nos. 3 to 5 has however submitted that the applicant is substantively appointed with the Gauhati University and was working on probation with the Bhattadev University in lien. However, in the said period, gross misconduct was detected and therefore he was relieved from service. It is also submitted that such order of relieve was unsuccessfully challenged in the writ petition WP(C)/712/2023 and the writ appeal is pending. He has also submitted that when the applicant's substantive appointment in the Gauhati University is intact which he has also rejoined, there is no reason for staying the present process of appointment of the post of Registrar of the said University. He has otherwise informed this Court that vide a corrigendum issued in the news paper, namely, Niyomiya Barta, an Assamese Daily in its issue dated 24.08.2024, it has been clarified that appointment made pursuant to the advertisement dated 17.08.2023 would be subject to the outcome of WA/269/2024.

6. Shri Bhuyan, learned Standing Counsel, Higher Education Department, Government of Assam endorses the views expressed on behalf of the Bhattadev University.

7. In view of the above, having been satisfied that the rights and interest of the applicant, if any, would otherwise be protected by the corrigendum published on 24.08.2024 in the news paper, no orders are required to be passed in this application.

8. The I.A. accordingly stands closed.

9. A copy of the news paper dated 24.08.2024, which has been placed before this Court, is made a part of the records.

JUDGE

JUDGE

Comparing Assistant