

GAHC010202832021



REPORTABLE

THE GAUHATI HIGH COURT AT GUWAHATI
(The High Court of Assam, Nagaland, Mizoram and Arunachal Pradesh)
WP(C) 6764/2021

1. Dr. Amborish Adhyapok and Anr.

Son of Late Sushil Kumar Adhyapok

Vill- Chechamukh (Passbari)

P.O. Pokamura

Dist. Jorhat, Assam

Pin-785004.

2. Dr. Pranab Jyoti Kalita

Son of Jiban Handra Kalita

Vill- Chechamukh (Passbari)

P.O. Kulhati

Dist. Kamrup

Assam

Pin-78110

.....**Petitioners**

-Versus-

The State of Assam and 3 Ors.

Rep. by the Commissioner And Secretary To The Govt.

of Assam,

Higher Education Department, Dispur, Guwahati-6.

2: Director Of Higher Education

Assam

Kahilipara

Guwahati-19.

3: University Grants Commission

Rep. by The Chairman

UGC

Bahadur Shah Zafar Marg

New Delhi-110002.

4: Union of India

Rep. by Its Secretary Ministry of Education (Higher
Education Department)

127-C

Shastri Bhavan

New Delhi

....**Respondents**

For petitioner (s) : Mr. D. Mahanta, Advocate
For respondent(s) : Mr. K. Gogoi, SC, Higher Education
(Respondent Nos.1 and 2)
Mr. A. Chamuah, SC, UGC
(Respondent no.3)
Mr. K. Gogoi, respondent no. 4.

Date of Hearing : **18.07.2024**

Date of Judgement : **23 .07.2024**

– B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. JUSTICE VIJAY BISHNOI

HON'BLE MR. JUSTICE KARDAK ETE

JUDGMENT & ORDER (CAV)

(Kardak Ete, J)

Heard Mr. D. Mahanta, learned counsel for the petitioners. Also heard Mr. K. Gogoi, learned Standing Counsel, Higher Education, Govt. of Assam for the respondent Nos. 1, 2 and 4 and Mr. A. Chamuah, learned Standing Counsel, UGC for the respondent No.3.

2. By instituting this writ petition, the petitioners have assailed the portion of Rule 12 of the Assam College Employees (Provincialisation) Rules, 2010, (hereinafter referred to as Assam College Rules, 2010), wherein it lays down that since an individual college is a separate entity for the purposes of cadres, reservation would be applicable college-wise for each individual cadre separately for which a proper register of roster shall be maintained, being ultra-vires and contrary to the University Grants Commission (hereinafter referred to as UGC) guidelines. The petitioners have prayed for a direction to amend the relevant portion of the above Rule-12 in consonance with the UGC guidelines.

3. The petitioners, in two in numbers, claim to be the Master Degree holders in Sanskrit subject having UGC norms and are eligible to be appointed to the post of Assistant Professor in the colleges of the country. It is contended that the different advertisement issued by the State of Assam for filling up the post of Assistant Professor in the various colleges of Assam, stipulates college-wise reservation, which is in conflict with the UGC amended notification dated 05.03.2018 as well as various decisions of the Hon'ble Supreme Court. The petitioners along with the others, being aggrieved had approached this Court by

filing WP(C) No. 7959/2019 with a plea that due to college-wise reservation, some departments are having all the reserved candidates and some are having only unreserved candidate and also prayed that the reservation should be department wise in a particular cadre by following UGC amendment notification dated 05.03.2018 which is still pending before this Court.

4. The State of Assam for the purpose of provincialisation of the services of employees of the Non-Governmental Colleges in receipt of deficit grants-in-aid in the State of Assam has enacted the Assam College Employees (Provincialisation) Act, 2005. In exercise of powers conferred under sub-section (1) of Section-12 of the Assam College Employees (Provincialisation) Act, 2005, the Assam College Rules, 2010 has been framed and published on 22.11.2010. The Rule 12 of the Assam College Rules, 2010 provides that in all cases of appointment by direct recruitment as well as by promotion there shall be reservation for candidates belonging to the members of the SC, ST as per provision of the SC, ST (Reservation of Vacancies in Services and Posts) Act, 1978 and Rule framed there under. There shall also be reservation for candidates belonging to OBC as per Government instructions. General order in respect of reservation in favour of other categories of candidates like physically handicapped as may be in force shall also be followed. Since an individual college is a separate entity for the purposes of cadres, reservation would be applicable college-wise for each individual cadre separately for which a proper register of roster shall be maintained. As Principal is a single post cadre no reservation would be applicable to it. The Governing Body shall be responsible to ensure that reservations are made as per Rules.

5. The challenge in the present proceedings is the portion of the above rule 12 which provides, particularly, that since an individual college is a separate

entity for the purposes of cadres, reservation would be applicable college-wise for each individual cadre separately for which a proper register of roster shall be maintained.

6. In exercise of the power vested under Section 20(1) of the University Grants Commission Act, 1956, the Central Government has directed the UGC to ensure effective implementation of the reservation policy in the Central Universities and those institutions Deemed to be Universities receiving grant-in-aid from the public funds except in minority institutions under Article 30(1) of the Constitution vide 06.12.2005. Pursuant thereto, the UGC issued guidelines for strict implementation of Reservation Policy of the Government in Universities, Deemed Universities, Colleges and other Grant-in-aid institutions and Centres. The guidelines provides at clause-6(c) that the practice of creating department wise cadres, which tends to create single post or cadre with artificially reduced number of posts in or to avoid reservation, is strictly prohibited. Clause-8 (a)(v) provides that the Roster, 40 point or 100 point as the case may be, shall be applied to the total number of posts in cadre only. Cadre is best indicated by seniority list governing the members with the same pay scale.

7. The above clauses 6(c) and 8(a)(v) of the aforesaid guidelines of the UGC was put to challenge before the Hon'ble Allahabad High Court being Writ-A No. 43260 of 2016 (**Vivekanand Tiwari & Ano. Vs. Union of India & Ors**). After consideration of the various decisions of the Hon'ble Supreme Court, the Allahabad High Court has set aside and quashed the above clauses and has held that it appears that the various directions and observations made by the Apex Court are yet to receive attention by the respondents. Therefore, has reminded and requested the UGC which is statutory body constituted under the University Grants Commission Act, 1956, to examine all aspects of the judgments of the

Hon'ble Apex Court and submit its recommendations to the Ministry of Human Resource Development for its consideration and appropriate decision. The Union of India has filed an SLP being SLP(C) No.16515/2017 against the judgement of the Allahabad High Court, which was dismissed.

8. Thereafter, the UGC in compliance of the judgment of the Hon'ble Allahabad High Court as upheld by the Hon'ble Supreme Court in SLP(C) No.16515/2017 and on the advice of the DOPT and the recommendation of the UGC, MHRD, vide its order dated 22.02.2018 has amended the UGC guidelines, 2006 and circulated vide dated 05.03.2018. It provides that in case of reservation for SC/ST, all the Universities, Deemed to be Universities, Colleges and other Grant-in-Aid Institutions and Centres, shall prepare the roster system keeping the Department / Subject as a unit for all levels of teachers as applicable. The roster, department-wise, shall be applied to the total number of posts in each of the categories (e.g. Professor, Associate Professor, Assistant Professor) within the Department/Subject. The said amendment was circulated to all the Registrars of Central Universities, Deemed to be Universities, receiving Grant-in-Aid by the Government inter-University centre of UGC etc, for implementation of reservation policy of the Government of India.

9. It is contended that the impugned portion of the rule 12 of Assam College Rules, 2010, is contrary to the amended UGC guidelines 2006, dated 22.02.2018 circulated on 05.03.2018. The Government of Assam had adopted college wise reservation in colleges/universities and since then 100 point roster is being followed in different cadres including the cadre of Assistant Professor. It is contended that in view of the above amendment of the UGC guidelines 2006, it is obligated to the State respondents to bring the required amendment in the Assam College Rules, 2010, by amending the impugned portion of the Rule 12.

It is submitted that due to continuation of impugned portion of the Rule 12, the general candidates are suffering.

10. Mr. D. Mahanta, learned counsel for the petitioners, submits that the impugned portion of the Rule 12 of the Assam College Rules, 2010, which lays down that since an individual college is a separate entity for the purpose of cadres, reservation would be applicable college-wise for each individual cadre separately for which a proper register of roster shall be maintained, is obligated to be amended by the State of Assam, as a similar provision which was issued by the UGC guidelines in 2006 has been amended vide dated 22.02.2018 and the same has been forwarded to all the Universities/Colleges on 05.03.2018. He submits that the decision of the UGC is binding in nature and if there is any conflict between the UGC and State enacted Rules the UGC Rule will prevail.

11. Mr. Mahanta, learned counsel, submits that due to the impugned portion of Rule 12 which provides college wise reservation, in some departments either all the posts have been earmarked for reserved category candidates or some departments have no reserved category candidate. He has drawn the attention of this Court in the case of the department of Sanskrit of J.B. College, Jorhat, where the total number of cadre strength is 3 (three) only and all the three posts have been earmarked for OBC category candidates due to the impugned Rule 12, to submits that it could have been avoided if it were made department wise.

12. He submits that the Hon'ble Supreme Court has already determined the issue whereby, it is held that the word 'post' used in the context has a relation to the faculty discipline, or the subject for which it is created. When, therefore, reservations are required to be made "in posts", the reservation has to be post wise, i.e. subject wise. The mere announcement of number of reserved posts is

no better than inviting application for posts without mentioning the subjects for which the posts are advertised.

13. Mr. Mahanta, learned counsel further submits that if the subject wise recruitment is adopted in each service or post in each cadre in each faculty, discipline, specialty or super specialty, it would not only be clear to the candidates who seek recruitment but also there would not be over-lapping in application of the rule of reservation to the services or the posts as specified. While, there can be a reservation in respect of posts of Assistant Professor and the provisions of the Reservation Rule would apply, but the same cannot be applied taking all the Assistant Professors as a cadre and it has to be made subject-wise. Non indication of the post in this manner itself defeats the purpose for which the applications are invited from the reserved category candidates and consequently negates the object of the reservation policy. The word 'post' has a relation to the faculty, discipline, or the subject for which it is created. When, therefore, reservations are required to be made 'in posts', the reservation has to be post wise, i.e, subject wise.

14. Mr. Mahanta, learned counsel, submits that it is technically right that appointment for the post of Professors/Associate Professors/Assistant Professors in University/Colleges must be subject wise, if University/College is taken as the unit it could result in some department having all the reservation and some department having only unreserved candidates. Therefore, he submits that the relevant portion of the impugned Rule 12 of the Assam College Rules, 2010 may be quashed and further a direction may be given to the respondent authorities to amend the said portion of the impugned Rule 12 of the Assam College Rules, 2010, by following the UGC amended guidelines.

15. On the other hand, Mr. K. Gogoi, learned Standing Counsel for the Higher

Education, submits that under the earlier reservation roster, when the University/ College was taken as a Unit, the SC/ST/OBC got reservation to some extent. But with the new roster, according to which the reservation will consider the department as a Unit, there use to be a decline in the number of SC/ST/OBCS as Professors, Assistant Professors etc. The roster shall be prepared taking University/College as unit and do away with the department being taken as a unit so that reserved category candidates get representation in academic world and teaching posts in the spirit of the constitution. To uphold the Constitutional Provisions for safeguarding the interest of SCs/ STs and socially and educationally Backward Classes, the Ministry of Law and Justice Government of India has promulgated the Central Educational Institutions (Reservation in Teachers Cadre) Ordinance, 2019 on 07-03- 2019 to ensure preparation of rosters by considering the institution as a unit, which provides that for the purpose of reservation of posts, a central Educational Institution shall be regarded as one unit.

16. Mr. K. Gogoi, learned Standing Counsel, submits that the UGC issued a letter vide F.1-5/2006 (SCT) dated 07-03-2019 to the Registrars, All Central/ State/ Deemed to be Universities receiving Grants-in-Aid from UGC/Government, whereby forwarded the Central Educational Institutions (Reservation in Teacher's Cadre) Ordinance, 2019 and requested the Universities for strict compliance of the Central Educational Institutions (Reservation in Teacher's Cadre) Ordinance, 2019 and requested to start recruitment immediately. He submits that in continuation to the Office Letter dated 07-03-2019 the University Grants Commission issued a letter vide No. F.1-5/2006 (SCT) dated 08-03-2019 to the Registrars, All Central/ State/ Deemed to be Universities receiving Grants-in-Aid, whereby clarified that, for the purpose of reservation of posts in direct

recruitment in Teachers' Cadre, the University/ College/ Institution shall be regarded as one unit. He submits that UGC issued a Letter vide No. F.1-8/2014 (SCT) dated 19-10-2020 to the Registrar All Central/ State/ Deemed to be University and Grants-in-Aid Institution under the subject- implementation of reservation policy of the Government in Universities, deemed to be the Universities Colleges and other Grants-in-Aid Institution and Centres.

17. Mr. K. Gogoi, learned Standing Counsel, submits that in continuation to the letter dated 19-10-2020 and subsequent reminder dated 20-01-2021 the University Grants Commission issued the letter no. F.1-8/2014 (SCT) dated 01-02-2021 for implementation of the Reservation Policy of the Government in Universities, Deemed to be Universities, Colleges and other Grant-in-Aid Institutions and Centres and directed that State Universities including its affiliated/ constituent College and other institution functioning within the state should follow the percentage of reservation for SC/ST & OBC as prescribed by the concerned State Government.

18. Mr. K. Gogoi, learned Standing Counsel, submits that Section 26 of the Universities Grants Commission Act 1956 enables the Commission to make regulations only if they are consistent with the UGC Act. This necessarily means that such regulations must conform to Section 20 of the Act and under Section 20 of the Act the Central Government is given the power to give direction on questions of policy relating to national purposes which shall guide the commission in the discharge of its functions under the Act.

19. Mr. K. Gogoi, learned Standing Counsel, submits that the respondent authorities issued the advertisement by implementing the 100 point Reserved Roster issued by the Government of Assam WPT & BC Department. The above reservation was done as per Section 3(c) of the Assam College Employees

(Provincialisation) Act, 2005 and Rule 12 of the Assam College Rules 2010. The above 100 point reservation was done to uphold the constitutional provisions under Article 16, Article 46 and Article 335 of the Constitution of India. There is no violation of the University Grants Commission regulations and Guidelines. The decision/ consideration for taking the Educational Institution as 'One Unit' for preparation of roster by the Central Government is a policy relating to national purpose under section 20 of the University Grants Commission Act, 1956, therefore the decision of the Central Government is final and binding. The University Grants Commission vide letter dated 08-03-2019 clarified that, for the purpose of reservation of posts in direct recruitment in Teachers' Cadre, the University/ College/Institution shall be regarded as one Unit. Further the University Grants Commission vide Letter dated 19-10-2020 and 01-02-2021 clarified that, "State Universities including its affiliated/ constituent Colleges and other Institutions functioning within the State should follow the percentage of reservation of SC/ ST & OBC as prescribed by the concerned State Government. Therefore, he submits that the Rule 12 of the Assam College Rules, 2010 is in conformity with the Guidelines issued by the University Grants Commission for reservation.

20. Mr. A. Chamuah, learned Standing Counsel, UGC for the respondent no. 3, submits that the UGC framed the guidelines for strict observation of Reservation Policy of the Government in Universities, Deemed to be Universities, Colleges and other Grant-in-Aid Institutions and Centres and circulated the same to all Universities vide dated 25.08.2006. The Hon'ble Allahabad High Court in its order dated 07.04.2017, had directed the UGC to examine the issues relating to all aspects referred to in the judgments on the matter of reservation in teaching positions and submit its recommendations to MHRD for its consideration and

appropriate decision. The said decision of the High Court was later on upheld by the Hon'ble Supreme Court in its judgment dated 21.07.2017 passed in SLP(C) No.16515/2017 wherein main issue was the practice of treating the "entire University as a Unit" for reservation. Accordingly, the UGC had constituted a Committee to examine the same. As far as the direction issued by the Courts quashing clause 6(c) and 8(a)(v) of the UGC Guidelines, the Committee unanimously recommended the changes to be brought in. The recommendations were sent to MHRD on 07.11.2017. The MHRD vide its OM No.1-7/2017-CU.V dated 22.02.2018 has conveyed its concurrence to amend the following in the UGC guidelines of 2006 with a request to intimate all the Universities accordingly and prepare a fresh roster within one month. Referring to the said amendment, he outlined that the amendment provides that at Clause 6(c):In case of reservation for SC/ST, all the Universities, Deemed to be Universities, Colleges and other Grant-in-Aid Institutions and Centers shall prepare the roster system keeping the Department / Subject as a unit for all levels of teachers as applicable. At Clause 8(a)(v):The roster, department-wise, shall be applied to the total number of posts in each of the categories (e.g. Professor, Associate Professor, Assistant Professor) within the Department/Subject. Thereafter, the UGC vide its letter dated 05.03.2018, had circulated the above decision to all the Universities. The matter has been discussed by the Hon'ble Chairman of the Parliamentary Committee on the welfare of SCs and STs and it was felt that the switch over from "University as a Unit" to "Department as a Unit" may reduce the representation of reserved category candidates considerably. It was decided to constitute an Inter-Ministerial Committee to examine the issue and state the grounds for filing a Review Petition before the Apex Court. The Ministry of Human Resource

Development has constituted an inter-ministerial Committee. It was decided to file SLP before the Hon'ble Supreme Court of India by the UGC and MHRD separately. The UGC informed all Centre/State/Deemed to be Universities, about the filing of SLP's in the Hon'ble Supreme Court of India by MHRD and UGC vide letter No.F.1-5/2006 (SCT) dated 20.04.2018. The Ministry of HRD letter No.F.1-7/2017-CU-V(pt) dated 18.07.2018, the UGC has informed all Centre/State/Deemed to be Universities, IUC's to postpone the recruitment process, if it is already underway, till further orders vide letter No. F.1-5/2006 (SCT) dated 19.07.2018. The SLP was filed, however, on 22.01.2019, the Hon'ble Supreme Court has dismissed the SLP. In continuation to the letter dated 07.03.2019, it was clarified that for the purpose of reservation of posts in direct recruitment in Teachers Cadre, the University/College/ Institution shall be regarded as one unit vide letter dated 08.03.2019. Thereafter, the Central Educational Institution (Reservation in Teachers Cadre) Act, 2019 was notified on 09.07.2019 to ensure preparation of roster by considering the Educational Institution as one Unit, not the subject/ Department as a Unit. He further submits that the decision/consideration for taking the Educational Institution as one Unit for preparation of roster by the Central Government is a policy relating to national purposes, therefore the decision of the Central Government is final and binding. Therefore, the provision of section 3(2) of the Central Educational Institution (Reservation in Teachers Cadre) Act, 2019 which provides that for the purpose of reservation of posts, a Central Educational Institution shall be regarded as one unit, shall hold the field.

21. We have given our due consideration to the submissions advanced by of the learned counsel for the parties and have considered the materials available on record.

22. As noted above, the petitioners have assailed the portion of the rule 12 of the Assam College Rules, 2010, which provides that since an individual college is a separate entity for the purposes of cadres, reservation would be applicable college-wise for each individual cadre separately for which a proper register of roster shall be maintained.

23. We deem it appropriate to refer to the provision of Rule of reservation provided in the Assam College Rules, 2010, particularly, Rule 12, which is reproduced herein below:-

*“In all cases of appointment by direct recruitment as well as by promotion there shall be reservations for candidates belonging to the members of the SC, ST as per provision of the SC, ST (Reservation of Vacancies in Services and Posts) Act, 1978 and Rule framed there under. There shall also be reservations for candidates belonging to OBC as per Government instructions. General order in respect of reservation in favour of other categories of candidates like physically handicapped as may be in force shall also be followed. **Since an individual college is a separate entity for the purposes of cadres, reservations would be applicable college-wise for each individual cadre separately for which a proper register of roster shall be maintained.** (emphasis by us). As Principal is a single post cadre no reservation would be applicable to it. The Governing Body shall be responsible to ensure that reservations are made as per Rules.”*

24. A bare perusal of the above provision, it is clear that as an individual college is a separate entity for the purpose of cadres, reservation would be applicable college-wise for each individual cadre separately for which a proper register of roster shall be maintained. The rules of reservation provides, keeping the roster system, the college as a unit for all levels of teachers as applicable for each individual cadre separately for which proper register of roster shall be maintained for the purpose of reservation.

25. Vide communication dated 05.03.2018, the UGC communicated to all the central universities, state universities and Deemed to be Universities for

implementation of the reservation policy of the Government of India, in compliance of the judgment of Hon'ble Allahabad High Court as upheld by the Hon'ble Supreme Court of India (supra), wherein, the Clause-6(c) and Clause-8(a)(v) have been amended that in cases of reservation for SC/ST, all the Universities, Deemed to be Universities, Colleges and other Grant-in-Aid Institutions and Centres shall prepare the roster system keeping the Department/Subject as a unit for all levels of teachers as applicable. The roster, department-wise, shall be applied to the total number of posts in each of the categories (e.g. Professor, Associate Professor, Assistant Professor] within the Department/Subject.

26. To uphold the Constitutional provision for safeguarding the interest of SCs/ STs and Socially and Educationally Backward Classes the Central Education Institutions (Reservation in Teachers Cadre) Ordinance 2019 was promulgated on 07.03.2019. The same was subsequently replaced by the Central Educational Institution (Reservation in Teachers Cadre) Act, 2019 was notified on 09.07.2019 to ensure preparation of roster by considering the Educational Institution as one Unit, not the subject/ Department as a Unit. The Educational Institution as one Unit for the purpose of reservation is not only a policy but a statutory provision relating to national purposes. Thus, in our view, same would be binding on all the Central Universities, State Universities and Deemed Universities receiving grant-in-aid from UGC/Government in the country, to which State of Assam would not be an exception.

27. As noted above, Govt. of India, has promulgated the Central Education Institutions (Reservation in Teachers' Cadre) Ordinance, 2019 on 07.03.2019 to ensure preparation of roster by considering the institution as unit. It provides that for the purposes of reservation of posts, a central Education Institution

shall be regarded as one unit. As obvious, the ordinance was replaced by the Central Educational Institutions (Reservation in Teacher's Cadre) Act, 2019, and the same has been notified on 09.07.2019 to ensure preparation of roster by considering the educational institutions as a unit by providing at Section-3(2), that - for the purpose of reservation of posts, a central Educational Institution shall be regarded as one Unit.

28. It is also noticed that the UGC issued letter vide letter dated 07.03.2019 to the Registrars of all the Central/State/Deemed Universities receiving Grants-in-Aid from UGC/Government, for strict compliance of the said ordinance and requested to start recruitment immediately. The UGC vide letter dated 19.10.2020 has also issued further communication to all the Central/State/Deemed Universities for implementation of the reservation policy of the Government Universities/State Universities/Deemed to be Universities and other Grants-in-Aid institutions and Centres by directing to ensure strict compliance of the Government of India orders/rules on the reservation in their institutions. State universities including its affiliated/constituent College and other institution functioning within the State should follow the percentage of reservation for SC/ST & OBC as prescribed by the concerned State Government. Thereafter, vide letter dated 20.01.2021 and 01.02.2021, subsequent reminder for implementation of the Reservation policy of the Government in Universities, Deemed to be Universities, Colleges and other Grant-in-Aid Institutions and Centres directing the State to follow the percentage of SC/ST and OBC as prescribed by the concerned State Government were also issued.

29. We may gainfully refer to the case of **State of Andhra Pradesh vs. McDowell & Co. reported in (1996) 3 SCC 709**. It is settled position of the law that law/Rules may be struck down on two counts- i.e., lack of legislative

competence and violation of fundamental or constitutional rights. The Hon'ble Supreme Court has, thereafter, enlarged the scope-manifest arbitrariness- in the case of **Shayara Bano vs. Union of India 7 Ors. Reported in (2017) 9 SCC 1**. In the present case, the petitioners have failed to establish lack of legislative competence and violation of fundamental or constitutional rights and/or manifest arbitrariness.

30. Having considered that the Central Government has enacted the Central Educational Institutions (Reservation in Teachers Cadre) Act, 2019, and considering the grievance of the petitioners that the State to act in conformity with the UGC guidelines as amended as well as the submissions of the learned counsel for the respondents and in view of the provisions of the Act and the clarification and the guidelines issued by the UGC, we are of the view that the petitioners have failed to make out a case for declaration of the impugned portion of the Rule 12 of the Assam Government Rules, 2010, wherein it lays down that the reservation would be applicable college-wise for each individual cadre separately for which a proper register of roster shall be maintained. The main contention of the petitioners is that the general candidates are suffering due to application of reservation rule college-wise, to which in our view, would not be sufficient to hold the impugned rule ultra-vires.

31. The other contention of the petitioners that if the college is taken as the unit it could result in some department having all the reservation and some department having only unreserved candidates cannot be countenanced too as the same appears to be completely misconceived. That apart, the petitioners have themselves prayed for implementation of the reservation policy, as prescribed by the UGC guidelines and the Central Educational Institutions (Reservation in Teachers Cadre) Act, 2019 and the respondents have also fairly

submits that the norms and guidelines of the UGC in terms of the the Central Educational Institutions (Reservation in Teachers Cadre) Act, 2019 shall be implemented for the purpose of reservation, we are of the considered view that there is no infirmity in the impugned rule 12 of the Assam College Rules, 2010, much less unconstitutionality.

32. Considering the settled position of law that Court cannot mandate State or executive authority for enactment or amendment of particular law or famed particular rule or to amend, the prayer of the writ petitioners for a direction to amend the impugned portion of the rule 12 of the Assam College Rules, 2010, is also rejected.

33. In view of what we have discussed herein above, we do ot find any legal or constitutional infirmity in the impugned portion of rule 12 of the Assam College Rules, 2010. Thus, we find no merit in the present writ petition and as such relief sought for is declined.

34. In the result, writ petition fails and accordingly, stands dismissed. No order as to costs.

JUDGE

CHIEF JUSTICE_

Comparing Assistant