

GAHC010207342024



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

Case No. : WP(C)/5120/2024

ROFIKUL ISLAM
VILLAGE- JOYBHUM,
P.O- JOYBHUM,
P.S- LAKHIPUR, DIST- GOALPARA, ASSAM, PIN-783129

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, HIGHER EDUCATION DEPARTMENT, DISPUR, GUWAHATI-
781006.

2:THE SECRETARY

TO THE GOVERNMENT OF ASSAM
HIGHER EDUCATION DEPARTMENT
DISPUR
GUWAHATI- 781006.

3:THE DIRECTOR OF HIGHER EDUCATION

ASSAM
KAHILIPARA
GUWAHATI- 781019.

4:THE PRESIDENT

THE GOVERNING BODY
OF LAKHIPUR COLLEGE
LAKHIPUR
GOALPARA
ASSAM

5:THE PRINCIPAL CUM SECRETARY
GOVERNING BODY
OF LAKHIPUR COLLEGE
LAKHIPUR
GOALPARA
ASSAM

6:DR. ANUSMITA TALUKDAR
H.NO-281
WARD NO-3

P.O- PATHSALA
DIST- BAJALI
ASSAM
PIN-78132

Advocate for the Petitioner : MR. P J SAIKIA, SR. ADV, MR. S A AHMED,MR J ISLAM,MR. A HUSSAIN,MS M NIROLA,MR REZABUL HOQUE

Advocate for the Respondent : SC, HIGHER EDU,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

01-10-2024

Heard Mr. P J Saikia, learned Senior counsel assisted by Mr. A Hussain, learned counsel for the petitioner and Mr. S Das, learned Standing counsel, Higher Education Department, Assam for the respondent Nos. 1 to 3.

2. The Principal cum Secretary, Governing Body of Lakhipur College, Lakhipur, District-Goalpara, respondent No. 5 issued an advertisement seeking applications from eligible candidates, amongst others, for filling up of one post of Assistant Professor of Assamese under un-reserved category at Roster Point -12 that published in the local dailies on 26.02.2022.

3. For the said advertised post of Assistant Professor of Assamese in Lakhipur College, interview was held on 11.05.2022 and the selection committee as well as the authorities concerned of Lakhipur College, Goalpara recommended the name of the petitioner to the

Director of Higher Education (DHE), Assam for his appointment as an Assistant Professor of Assamese in the said college.

4. The respondent No. 6, another candidate for the said post submitted a complaint petition before the DHE, Assam regarding anomalies in selection for the said post of Assistant Professor of Assamese in Lakhipur College, Goalpara pursuant to the said advertisement dated 26.02.2022.

5. The DHE, Assam wrote back to the authorities of Lakhipur College, Goalpara, pursuant to which, the Principal of the said college submitted its reply.

6. A hearing in that regard took place on 26.02.2024 that was attended by the petitioner, respondent No. 6/complainant, President of the Governing Body of said Lakhipur College, Principal of said college as well as the retired Principal of said college. Pursuant to the said hearing dated 26.02.2024, the DHE, Assam by its Speaking Order dated 10.06.2024 sent back the proposal for appointment of the petitioner as Assistant Professor of Assamese in Lakhipur College to the Selection Committee of Lakhipur College for its review and to make necessary arrangement for due awarding of the marks to both, the petitioner as well as the respondent No. 6 as per rule and incorporating the situation at the time of prevalence of the original interview, without any deviation so that the over age factor of the respondent No. 6 is considered, directing that the Selection Committee shall re-submit its proposal through the Principal of said Lakhipur College within 15 days from the date of issuance of the said Speaking Order dated 10.06.2024.

7. Matter proceeded further and there was another hearing in that regard in the Office of the Director of Higher Education, Assam on 30.08.2024, for which notice was issued to the President of the Governing Body of Lakhipur College, Principal of Lakhipur College, retired Principal in-charge of Lakhipur College, Head of the Department of Assamese, Lakhpur College and four others who were present during the said selection process held on 11.05.2022.

8. Subsequently, the Principal cum Secretary of Lakhipur College, Goalpara re-advertised the said post of Assistant Professor of Assamese under un-reserved category at Roster Point 12 that was published in English daily Assam Tribune on 20.09.2024.

9. Aggrieved with such re-advertisement of the said post, the petitioner has filed this writ petition.

10. During the deliberation of the matter, Mr. S Das, learned Standing counsel, Higher Education Department, Assam placed a copy of the Speaking Order issued by the Director of Higher Education, Assam under No. DHE/CE/AC/N/S/732/2023/257 dated 10.09.2024, copy of which was also forwarded to the Principal, Lakhipur College, Goalpara that relates to the outcome of the said hearing that took place on 30.08.2024, noted above.

11. During such hearing on 30.08.2024 and on proper scrutiny the authorities concerned found that the members of the Selection Committee of Lakhipur College, Goalpara during the said selection held on 11.05.2022 committed anomalies in awarding extra marks to the petitioner towards his teaching experience as well as ISBN publication, whereas the concerned subject experts clearly indicated asking for review of the marks awarded for SCOPUS publication of the petitioner.

12. During such hearing held on 30.08.2024, it was also found that the respondent No. 6 was not entitled for two marks claimed by her towards teaching experience on getting clarification dated 30.08.2024 from the Principal of Nirmal Haloi College, Patacharkuchi that she worked in the said college only for the period from January, 2021 to March, 2021 only and therefore, her total marks will remain at 59.52 as per the selection committee report.

13. During such hearing, the concerned authorities also found that anomalies have been committed by the Members of the selection committee in the selection that was held on 11.05.2022 in awarding marks to the petitioner for the post of Assistant Professor of Assamese under un-reserved category in Lakhipur College, Goalpara for which the advertisement was issued on 26.02.2022.

14. Considering entire aspect of the matter, the Director of Higher Education, Assam finding such gross anomalies in the selection process by the selection committee proposing the name of the petitioner for his appointment to the post of Assistant Professor of Assamese in Lakhipur College, Goalpara in un-reserved category pursuant to the advertisement dated 20.06.2022 was regretted by the said Speaking Order dated 10.09.2024, directing the Principal of Lakhipur College, Goalpara to proceed for fresh selection process as per norms.

15. Said Speaking Order of the Director of Higher Education, Assam under No. DHE/CE/AC/N/S/732/2023/257 dated 10.09.2024 pursuant to which the post of Assistant Professor of Assamese in Lakhipur College, Goalpara under un-reserved category at Roster Point 12 has been re-advertised on 20.09.2024 is not under challenge.

16. Considering entire aspect of the matter and for the reasons above, this writ petition, being devoid of merits, stands dismissed.

17. The Speaking Order of the Director of Higher Education, Assam dated 10.09.2024, noted above, placed before the Court today by Mr. S Das, learned Standing counsel, Higher Education Department of the State be kept as a part of record of this case.

JUDGE

Comparing Assistant