

GAHC010227472022



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

Case No. : WP(C)/7193/2022

TAJ UDDIN AND ANR.
S/O JAINAL ABEDIN, VILL-SOLMARI JAN, P.O.-DOBOKA, P.S.-DOBOKA,
DIST- HOJAI, ASSAM

2: AJIM UDDIN
S/O ATAUR RAHMAN
VILL- MODERTOLI
P.O.-MODERTOLI
P.S.-DOBOKA
DIST- HOJAI
ASSA

VERSUS

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

2:THE DIRECTOR OF HIGHER EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-781019

3:HAJI ANFAR ALI COLLEGE
P.O.-DOBOKA
HOJAI
ASSAM
PIN-782440
REPRESENTED BY ITS PRINCIPAL

4:THE PRINCIPAL
HAJI ANFAR ALI COLLEGE
P.O.-DOBOKA

HOJAI
ASSAM
PIN-782440

5:THE GOVERNING BODY OF HAJI ANFAR ALI COLLEGE
REPRESENTED BY THE PRESIDENT OF THE GOVERNING BODY OF THE
COLLEGE
P.O.-DOBOKA
HOJAI
ASSAM
PIN-782440

6:THE GAUHATI UNIVERSITY
JALUKBARI
GUWAHATI-781014 THROUGH THE CONTROLLER OF EXAMINATIO

Advocate for the Petitioner : MR. R P SARMAH

Advocate for the Respondent : SC, HIGHER EDU

B E F O R E
HON'BLE MR. JUSTICE KARDAK ETE

26.02.2024

Heard Mr. M.R. Adhikari, learned counsel for the petitioners. Also heard Mr. M. Nath, learned Senior Counsel assisted by Mr. A. Bhattacharjee, learned counsel for the respondent nos. 3 and 4 and Mr. A.R. Tahbildar, learned counsel for the respondent nos. 1 and 2.

The petitioners have challenged the impugned order dated 01.07.2022, whereby the petitioners were expelled from Haji Anfar Ali College and the show-cause notice dated 01.06.2022. The petitioners have also challenged the consequential proceedings pursuant to the impugned order dated 01.07.2022 and prayed for allow them to appear in the semester examination.

In the course of proceedings in the present case, on the other day, this Court has directed the petitioners along with their parents/guardians to report to the Principal of Haji Anfar Ali College, Doboka, Hojai in connection with admission and the examination of the petitioner on 08.02.2024 and directed the Principal to do the needful in accordance with law.

This Court had taken note of the assurance and undertaking by Mr. M. Nath, learned Senior Counsel to advise the authorities of the college in the interest of the petitioners and their future career.

Mr. Nath has placed the copy of the letter dated 22.03.2023, whereby the Principal of Haji Anfar Ali College has issued a letter to both the petitioners wherein, it is directed them to submit the list of subjects and optional papers to enable the authorities to finalise the coaching schedule and assign concerned teachers to guide them through the preparation process.

Mr. Nath, learned Senior Counsel submits that in view of the such development in the matter, no grievance is survived to be adjudicated by this Court, inasmuch as, the college authorities including the Principal have taken due care and steps for the examination considering the future career of the petitioners. The learned Senior Counsel has submitted that the impugned orders and the consequent proceedings against the petitioners have already been withdrawn by the authorities.

Mr. M.R. Adhikari, learned counsel for the petitioner on instruction has agreed to the submission by the learned Senior Counsel.

Considering the submissions of the learned counsel for the parties and on perusal of the communication dated 23.12.2023, I am of the considered view that since the college authorities have withdrawn the impugned orders and the

consequent the proceedings and the petitioners have been allowed to appear in the examination and further steps have been taken for future examination including the coaching of the petitioners, no issue is survived for further determination.

In view of the above, this writ petition stands closed and disposed of.

This Court extend its appreciation to the learned Senior Counsel Mr. M. Nath, who has taken a voluntary service to advise the Principal of the college to resolve the issues considering the future academic career of both the writ petitioners.

A copy of the order dated 23.12.2023 be kept on record.

JUDGE

Comparing Assistant