

GAHC010228652024



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

Case No. : WP(C)/5677/2024

MD. MOFIDUL ISLAM
S/O- LATE NURUZ ZAMAL, RESIDENT OF VILLAGE- PUTHIKHAITY, P.O.
RUPAHI, P.S.- RUPAHIHAT, DISTRICT- NAGAON, ASSAM, PIN- 782125

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, EDUCATION (HIGHER) DEPARTMENT, DISPUR, AND
GUWAHATI-06

2:THE DIRECTOR OF HIGHER EDUCATION
KAHILIPARA
GUWAHATI-19
DISTRICT- KAMRUP (M)
ASSAM

3:THE GOVERNING BODY OF RUPAHI COLLEGE
REPRESENTED BY ITS PRESIDENT
RUPAHI COLLEGE
P.O.- RUPAHI
DISTRICT- NAGAON
ASSAM, PIN- 782125

4:THE PRINCIPAL/SECRETARY OF RUPAHI COLLEGE
REPRESENTED BY ITS PRESIDENT
RUPAHI COLLEGE
P.O.- RUPAHI
DISTRICT- NAGAON
ASSAM, PIN- 782125

5:THE CHAIRMAN OF THE SELECTION COMMITTEE
OF RUPAHI COLLEGE CONSTITUTED FOR THE SELECTION OF ASSISTANT

PROFESSOR
POLITICAL SCIENCE IN RUPAHI COLLEGE
P.O.- RUPAHI
DISTRICT- NAGAON
ASSAM, PIN- 782125

6:UNIVERSITY GRANTS COMMISSION
REPRESENTED BY ITS SECRETARY HAVING ITS OFFICE AT BAHADUR
SHAH
ZAFAR MARG
NEW DELHI- 110002

7:CHANNIKA BORAH
C/O- PRINCIPAL OF RUPAHI COLLEGE
P.O.- RUPAHI
DISTRICT- NAGAON
ASSAM, PIN- 78212

Advocate for the Petitioner : MR. P MAHANTA, C SARMA,V KHAKHALARY

Advocate for the Respondent : SC, HIGHER EDU,

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 06.11.2024

- 1.** Heard Mr. P. Mahanta, learned counsel for the petitioner. Also heard Mr. S. Das, learned standing counsel, Higher Education Department, for the respondent Nos. 1 & 2.
- 2.** Pursuant to an Advertisement dated 03.09.2024 issued by the Principal & Secretary, Rupahi College for filling up one sanctioned post of Assistant Professor in Political Science Roster Point 2 (OBC/MOBC) at Rupahi College, the petitioner applied for the said post. Thereafter, the petitioner was issued the Call Letter for interview to be held on 07.10.2024 by the Principal, Rupahi College on 23.09.2024. The petitioner, accordingly, appeared for the interview, however, it is the allegation of the petitioner that the Selection Committee failed to award

the petitioner 22 marks for his degree and 5 marks for his HSLC, thereby depriving the petitioner of 27 valuable marks. The petitioner was given only a total of 43 marks in academic, which is against the Guidelines for selection of the Assistant Professor/Librarians in provincialised Government and Government Model College of Assam issued by the Higher Education Department by Office Memorandum dated 24.01.2022.

3. The Selection Committee accordingly recommended the case of one Channika Borah for the post of said Assistant Professor in Political Science in the Rupahi College. It is the further submission of the learned counsel for the petitioner that being aggrieved by the action of the Selection Committee by violating the Guidelines issued in terms of the Office Memorandum dated 24.01.2022, the petitioner filed a complaint before the Director, Higher Education, Assam on 14.10.2024. It is further submitted that the Director of Higher Education, Assam has not taken a final decision till date.

4. Considering the fact that the Director of Higher Education, Assam is yet to take a final decision with regard to selection for the post of Assistant Professor in Political Science in the Rupahi College and also taking into consideration that the petitioner has already filed a complaint on 14.10.2024, this writ petition is disposed of directing the Director of Higher Education, Assam to first consider the complaint made by the petitioner and thereafter, take a final decision in the matter.

5. With the above observations and directions, this writ petition is disposed of.

JUDGE

Comparing Assistant