

GAHC010236522024



2024:GAU-AS:11188

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

Case No. : WP(C)/5975/2024

KAMAL ASHISH DHAR
SON OF LATE RABINDRANATHDHAR RESIDENT OF MORANHAT,
JYOTIPUR WARD NO.6, P.O.- MORANHAT, DIST.- JORHAT, ASSAM, PIN-
785670

VERSUS

THE STATE OF ASSAM AND 2 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVT. OF ASSAM (HIGHER EDUCATION) DEPARTMENT, ASSAM,
GUWAHATI-6

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

3:THE PRINCIPAL MORAN COLLEGE
MORANHAT
DIST.- CHARAIDEO
PIN- 78567

Advocate for the Petitioner : MR. S J SARMAH, MR G G GOGOI,MR. S BARUAH

Advocate for the Respondent : SC, HIGHER EDU,

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 18.11.2024

Heard Mr. S.J. Sarmah, learned counsel for the petitioner and Mr. S. Bhuyan, learned Standing counsel for the respondent Nos. 1 and 2.

2. The grievance, being sought to be addressed in this writ petition, is that the petitioner was appointed as Office Attendant in Grade-IV on 03.08.1995 and since then, he has been rendering service for more than 20 years and on 12.10.2022, he preferred an application before the Principal, Moran College, Moranhat for taking initiative for promotion from Grade-IV to Grade-III post as he is the senior most and qualified staff to be promoted. Thereafter, a meeting of the Screening Committee was held on 05.12.2022 and the proposal of the petitioner, for being promoted from Grade-IV to Grade-III was approved and the said committee also resolved that the name of the petitioner be recommended to the Director of Higher Education for approval as per rules. Thereafter, the respondent No. 3, the Principal of Moran College had forwarded all the relevant documents to the respondent No. 2 to take initiative for approval of the promotion of the petitioner. But, the respondent No. 2 has not yet taken any decision upon the proposal forwarded by the respondent No. 3 for a long time.

3. Mr. Sarmah, learned counsel for the petitioner submits that the petitioner has submitted a representation on 27.08.2024, to the Director of Higher Education, Kahilipara, Guwahati, but, no action has been taken till date and accordingly, it is submitted that this writ petition may be disposed of by directing the respondent No. 2 to dispose of the representation of the petitioner dated 27.08.2024 within a period of one month and till disposal of this

representation, the posts lying vacant may not be filled up.

4. Mr. Bhuyan, learned Standing counsel for the respondent Nos. 1 and 2 has also conceded to the submission so advanced by Mr. Sarmah, learned counsel for the petitioner. However, Mr. Bhuyan submits that the proposal sent earlier was rejected vide letter No. E.Comp. No. 405023/1, Annexure-8 of the petition.

5. In response of the same, Mr. Sarmah submits that vide letter dated 11.03.2024, the vacancy position has been clarified and now five numbers of posts are lying vacant in Grade-III available in the college.

6. Having considered the submissions of the learned Advocates for both the parties, and also considering the facts and circumstances on the record, this Court is inclined to dispose of this writ petition by directing the respondent No. 2, the Director, Higher Education, Kahilipara, Guwahati, to dispose of the representation of the petitioner dated 27.08.2024 and pass a reasoned order thereon within a period of one month from the date of receipt of certified copy of this order.

7. The petitioner shall obtain a certified copy of this order and place the same before the respondent No. 2 within a period of one week from today.

8. Till disposal of the representation of the petitioner dated 27.08.2024, no post of Grade-III lying vacant in the Moran College, shall be filled up.

9. In terms of above, the writ petition stands disposed of.

JUDGE

Comparing Assistant