

GAHC010250062024



2024:GAU-AS:12062-DB

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

Case No. : WA/407/2024

1.BIPLOB CHOUDHURY AND 2 ORS
S/O BIMALENDU CHOUDHURY FIRST LINK ROAD, LANE NO. 2, HOUSE
NO. 14, SILCHAR- 788006, CACHAR, ASSAM

2: TAHER ZAMAN LASKAR
S/O SAHID ALI LASKAR
R/O BERENGA PART-III SILCHAR-788005.

3: ABDUL MUNIN BARBHUYAN
S/O HUSSAIN AHMED BARBHUIYA
R/O HAILAKANDI TOWN WARD NO. 11
DIST. HAILAKANDI TOWN PIN-78815

VERSUS

1.THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, DEPARTMENT
OF EDUCATION, DISPUR

2:THE DIRECTOR OF SECONDARY EDUCATION ASSAM
KAHILIPARA GUWAHATI.

3:ASSAM UNIVERSITY SILCHAR
REPRESENTED BY THE REGISTRAR SILCHAR
CACHAR ASSAM PIN-78801

For the Appellant(s) : Mr. K.K. Dey, Advocate.

For the Respondent(s) : Mr. R. Majumdar, Standing Counsel, Education (Secondary)
Department.

: Mr. S.C. Keyal, Standing Counsel, Assam University.

– BEFORE –
HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

02.12.2024

(Vijay Bishnoi, CJ)

Heard Mr. K.K. Dey, learned counsel appearing for the appellants. Also heard Mr. R. Majumdar, learned Standing Counsel, Education (Secondary) Department and Mr. S.C. Keyal, learned Standing Counsel, Assam University.

This writ appeal is filed by the appellants being aggrieved with the order dated 12.11.2024 passed by the learned Single Judge in WP(C) No.5725/2024.

The appellants had approached the Writ Court with the grievance that they are having Post Graduate Degree in Microbiology but the respondent authorities are not considering their Post Graduate Degree as equivalent to M.Sc. in Botany or M.Sc. in Biotechnology (Plant Biotechnology).

It is contended that the requisite qualification for the purpose of recruitment as Post Graduate Teacher in the subject Botany is M.Sc. in Botany or M.Sc. in Biotechnology (Plant Biotechnology) but the respondents have illegally not considered the Post Graduate Degree of the appellants obtained in Microbiology which is equivalent to M.Sc. in Botany and M.Sc. in Biotechnology (Plant Biotechnology).

The respondents have contested the stand of the appellants before the learned Single Judge.

The learned Single Judge, after hearing the counsel for the parties, while relying on the decision of the Hon'ble Supreme Court rendered in ***Indresh Kumar Mishra & Ors. Vs. The State of Jharkhand & Ors.***, reported in ***(2022) 12 SCC 42***, has dismissed the writ petition vide impugned order dated 12.11.2024.

The learned Single Judge has opined that the Post Graduate Degree in

Microbiology possessed by the appellants cannot be treated as equivalent to M.Sc. in Botany or M.Sc. in Biotechnology (Plant Biotechnology).

Learned counsel for the appellants has failed to persuade us to take a different view than the view as has been taken by the learned Single Judge.

Hence, we do not find any merit in this writ appeal and the same is, therefore, dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant