

GAHC010093822024



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

WP(C)/6490/2023

RABINDRA NATH SARMA
S/O LATE SURENDRA NATH SARMA
VILL- PATACHARKUCHI
P.O. PATACHARKUCHI
P.S. PATACHARKUCHI
DIST. BAJALI
ASSAM

PIN-781326

VERSUS

THE GAUHATI UNIVERSITY AND 4 ORS.
REP. BY THE VICE -CHANCELLOR
GOPINATH BARDOLOI NAGAR

JALUKBARI
GUWAHATI
ASSAM
PIN-781014

2:THE EXECUTIVE COUNCIL
REP. BY THE REGISTRAR
GAUHATI UNIVERSITY
GOPINATH BARDOLOI NAGAR
JALUKBARI
GUWAHATI
ASSAM
PIN-781014
3:THE REGISTRAR

GAUHATI UNIVERSITY

GOPINATH BARDOLOI NAGAR

JALUKBARI
GUWAHATI
ASSAM

PIN-781014.
4:DR. JAGAT SWARGIARY
RETIRED PROFESSOR

R/O VILL- BARAMCHORI (KARKABARI)
P.O. ATHIABARI
DIST. BARPETA

PIN-781372
5:DR. TIKEN DAS
RETIRED PRINCIPAL
BARAMA COLLEGE

R/O PATHSALA TOWN

P.O. PATHSALA

DIST. BAJALI

PIN-782325

Advocate for : MR. C BORUAH
Advocate for : SC
G U appearing for THE GAUHATI UNIVERSITY AND 4 ORS.

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

17.05.2024.

Heard Shri C Boruah, learned counsel for the petitioner whereas the Gauhati University is represented by Shri PJ Phukan, learned counsel.

2. The present petition has been filed with regard to the constitution of the Governing Body of the Bajali Teachers' Training College, Patacharkuchi

(hereinafter referred to as the Governing Body) in the district of Bajali. It is submitted that the said Governing Body has been constituted in violation of the procedures and guidelines of the Gauhati University.

3. Shri Boruah, learned counsel has referred to the Gauhati University Act, 1947, more particularly, Section 23 thereof under which the Ordinance on Permission and Affiliation of Teachers Training College is formulated. As per Rule 8 (a), a regularly constituted Governing Body is to be formed in which four members are to be nominated by the University. It is the contention of the petitioner that in the meeting held on 01.10.2022, a resolution was adopted and four names were sent to the Gauhati University. However, out of the four names, only two names have been nominated to be members of the Governing Body and two names have been left out.

4. What, however, intrigues this Court is that the writ petition has not been instituted by the left out members and has been instituted by a former President of the Governing Body. It is clarified that the petitioner is still a member of the Governing Body on the strength that he was a President of the earlier Governing Body. The *locus* to institute a petition is an essential requirement and it directly relates to the legal prejudice suffered by the incumbent.

5. In the instant case, the present petitioner cannot have a legal prejudice even assuming a violation of the procedure is made out as the two incumbents who were stated to be named by the resolution of the earlier Governing Body on 01.10.2022 have not filed any writ petition and are aggrieved.

6. The writ petition is accordingly dismissed for want of *locus*.

JUDGE

Comparing Assistant