

GAHC010277962023



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

I.A.(Civil)/3688/2023 In
WP(C)/4202/2023

GURUCHARAN COLLEGE AND ANR.
REPRESENTED BY ITS PRINCIPAL, COLLEGE ROAD, G.C. COLLEGE ROAD,
SILCHAR, ASSAM-788004.

2: THE PRINCIPAL
GURUCHARAN COLLEGE

COLLEGE ROAD
G.C. COLLEGE ROAD
SILCHAR
ASSAM-788004

VERSUS

R. K. TAMPHA SANA,
W/O- SHRI KUNAL KEISHAM, R/O- LAKHIPUR TOWN, WARD NO. 8, P.O.
AND P.S. LAKHIPUR, DIST. CACHAR, ASSAM-788103.

Advocate for the Petitioner : MR S DUTTA

Advocate for the Respondent : MR G N SAHEWALLA

WP(C)/4202/2023

R. K. TAMPHA SANA
W/O- SHRI KUNAL KEISHAM
R/O- LAKHIPUR TOWN
WARD NO. 8
P.O. AND P.S. LAKHIPUR
DIST. CACHAR, ASSAM-788103.

VERSUS

THE STATE OF ASSAM AND 9 ORS.
REPRESENTED BY COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
HIGHER EDUCATION DEPARTMENT
ASSAM SECRETARIAT
BLOCK-D
4TH FLOOR
DISPUR
GUWAHATI
KAMRUP(M)
ASSAM-781006.

2:THE COMMISSIONER AND SECRETARY

GOVERNMENT OF ASSAM
HIGHER EDUCATION DEPARTMENT
ASSAM SECRETARIAT
BLOCK-D
4TH FLOOR
DISPUR
GUWAHATI
KAMRUP(M)
ASSAM-781006.

3:THE DIRECTOR

DIRECTORATE OF HIGHER EDUCATION DEPARTMENT
KAHILIPARA MAIN ROAD
JATIA
KAHILIPARA
GUWAHATI
KAMRUP(M)
ASSAM-781019.

4:THE DEPUTY DIRECTOR
DIRECTORATE OF HIGHER EDUCATION DEPARTMENT
KAHILIPARA MAIN ROAD
JATIA
KAHILIPARA
GUWAHATI

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

ORDER

17.05.2024.

Heard Shri GN Sahewalla, learned Senior counsel for the petitioner. Also heard Shri K Gogoi, learned Standing Counsel, Higher Education Department, Assam as well as Shri S Dutta, learned Senior Counsel for the respondent nos. 6 and 7, who has filed the connected IA(C)/3688/2023.

2. The controversy raised in this petition is with regard to a recruitment process for filling up various posts, including the post of Assistant Professor in the subject of Manipuri in the Gurucharan College, Silchar.

3. Shri Sahewalla, learned Senior Counsel for the petitioner has highlighted the aspect that in the selection, undue marks were allotted to one of the candidates for which, the petitioner could not be selected as the number one nominee.

4. On the basis of the aforesaid projection, an interim order was passed by this Court on 28.07.2023 while issuing notice by directing that the post in question shall not be filled up till the next returnable date. In the interlocutory application filed by the College authorities, apart from disputing the projection, the important issue of the selected candidate not being made a party has been highlighted.

5. Shri Gogoi, learned Standing Counsel has also made objection by contending that the writ petition is pre-mature.

- 6.** Be that as it may, not making the selected candidate a party would not enable this Court to come to a fair conclusion.
- 7.** The learned Senior Counsel for the petitioner, at this stage, has submitted that he may be allowed to withdraw the writ petition, however, with liberty to file afresh by making the selected candidate a party respondent.
- 8.** In view of the aforesaid submission, both the writ petition and the interlocutory application stand closed. The interim order dated 28.07.2023 stands vacated.
- 9.** The petitioner, however, would be at liberty to pray for interim order(s) in the fresh petition, if so filed, which would be considered as per its own merits.

JUDGE

Comparing Assistant