GAHC010162742020

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

Case No. : WP(C)/5085/2020

BIDISHA BURAGOHAIN
D/O SRI BAKUL BURAGOHAIN,
RESIDENT OF VILLAGE NIMATICHUK WARD NO. 7, PO , PS AND DIST DHEMAJI, ASSAM 787057

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM, HIGHER EDUCATION DEPARTMENT, DISPUR GUWAHATI 781006

2:THE DIRECTOR OF HIGHER EDUCATION
ASSAM
KAHILIPARA
GUWAHATI 19

3:THE SELECTION COMMITTEE
REPRESENTED BY ITS CHAIRMAN VIZ. THE CHAIRPERSON OF THE GOVERNING BODY
SILAPATHAR COLLEGE
SILAPATHAR
DIST DHEMAJI
ASSAM 787059

4:THE GOVERNING BODY
SILAPATHAR COLLEGE REPRESENTED BY THE SECRETARY TO THE GOVERNING BODY VIZ. THE PRINCIPAL
SILAPATHAR COLLEGE
SILAPATHAR
DHEMAJI 787059

5:THE ENQUIRY COMMITTEE
CONSTITUTED BY THE GOVERNING BODY
SILAPATHAR COLLEGE
REPRESENTED BY THE VC'S NOMINEE TO THE GOVERNING BODY
SILAPATHAR COLLEGE
SILAPATHAR
DHEMAJI 78705

Advocate for the Petitioner : MR. R J DAS

Advocate for the Respondent : SC, EDU

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

ORDER

Date : 04-12-2020

Heard Mr. N. Baruah, learned counsel for the petitioner. Also heard Mr. K. Gogoi, learned counsel for the Higher Secondary Education Department.

2. Considering the nature of the order proposed to be passed, we deem it appropriate that notices to the respondents no. 3, 4 and 5 need not be issued for the present.

3. Pursuant to an advertisement dated 08.11.2020 of the Principal of Silapathar College inviting application for the post of Assistant Professor, Assamese amongst others subjects, the petitioner offered her candidature. In order to support her candidature the petitioner also submitted two numbers of research papers comprising of 'Reconstruction of History in Anya yug Anya Purush by Debendranath Acharya' published in International Journal of Multidisciplinary Education Research and 'Language of Woman – A study based on Assamese Language' published in International Journal of Multidisciplinary Educational Research.

4. The Governing Body of the Silapathar College issued two communications dated 16.10.2020 and 03.11.2020 to the petitioner that the authorities intend to make an enquiry on the claim of the

petitioner in respect of the aforesaid two research papers and therefore, the petitioner was requested to appear before the committee and the date of appearance was fixed on 20.10.2020. Instead of appearing, the petitioner submitted an email communication dated 19.10.2020 and took a stand that the research papers of the petitioner are not in the Scopus Index Journal, but are publications in the Web of Science Publication. We do not offer our views on the said question as regards the forum before which the publications were made and it is for the authorities to take their own call on the same. But however, the petitioner again communicates that her mental conditions is that she is feeling frustrated and humiliated requiring her to explain her situation of her research papers and also expresses her deepest sense of dissatisfaction for making her a victim of the situation. Such language appears to be a reflection of the feeling of the petitioner may have on being requested to explain the acceptability of her two research papers but if the authorities have any doubt as to the acceptability of the said two research papers which are to be relied upon as a material for making the selection, we do not find any infirmity in such request requiring the petitioner to explain the situation. If the authorities are misconceiving of the situation, it is for the petitioner to explain before the authority in an honourable manner and if the petitioner is incorrectly understanding that the research papers are to be accepted as she deems it appropriate, it is for the authorities to explain as to why it is not so and so that an appropriate decision can be arrived at. On her none appearance before the authority, another communication dated 03.11.2020 was issued requesting her to appear before the committee constituted by the Governing Body on 07.11.2020 and in the said communication it was stated that upon considering the email the committee could not come to any conclusion on the basis of the same. The said expression contained in the communication dated 03.11.2020 again requesting the petitioner reflects that the authorities are trying to get it clarified whether the research papers are acceptable in the given circumstance or not and it is for the petitioner to cooperate with the authorities to present her case on the aspect of acceptability of the research papers.

5. This writ petition is instituted assailing the two communications dated 16.10.2020 and 03.11.2020. In the circumstance indicated above, we do not find any arbitrariness or unreasonableness in the two communications seeking a clarification on the research papers of the petitioner, so that such clarification may help the authorities in the process of selection. As the last date of appearance is over, the respondents to provide the petitioner with an appropriate opportunity to explain the acceptability of the two research papers as required under the law.

6. Writ petition stands disposed of in the above terms.

JUDGE

Comparing Assistant