GAHC010175492020

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

Case No. : WP(C)/5194/2020

DR SANJOY KALITA AND 7 ORS
S/O- GOPAL KALITA, R/O- VILL- PUBMAJIR GAON, P.O. BHATTAPARA,
DIST.- KAMRUP (M), ASSAM, PIN- 781017

2: DR. SHAJIDA BEGUM
D/O- MUSLIMUDDIN HMED
R/O- TOWN NAZIRA
P.O. NAJIRA
DIST.- SIVASAGAR
ASSAM
PIN- 785685

3: DR. SUJAN SINHA
S/O- HAV. PARAN SENA SINHA
R/O- VILL- RAJIB NAGAR
NEAR 10TH APBN
P.O. KAHILIPARA
DIST.- KAMRUP (M)
ASSAM
PIN- 781019

4: JAYDA BEGUM
W/O- H.M HASSANUZZAMAN
R/O- VILL- FAKIRANIRJHAR PT. II
P.O. BILASIPARA
DIST.- DHUBRI
ASSAM
PIN- 783348

5: DR. MONALISA KALITA
W/O- DINAMONI DEKA
R/O- VILL- PATGIRI CHUBA
P.O. DHEKIPARA
DIST.- DARRANG

ASSAM
PIN- 784145

6: DR. BUDHIN GOGOI
S/O- LT. SURENDRA NATH GOGOI
R/O- VILL- DAKHON GAON
P.O. AND P.S. GHOLAMARA

DIST.- LAKHIMPUR
ASSAM
PIN- 787053

7: DR. JADAB DUTTA
S/O- MR. MANIK DUTTA
R/O- VILL- LAKHIPUR
P.O. KOKCHABARI
P.S. BIHPURIA
DIST.- LAKHIMPUR
ASSAM
PIN- 784165

8: DR. BIREN SAIKIA
S/O- LT. BETHARAM SAIKIA
R/O- VILL- BRAHMAPUR
P.O. DULIAJAN
DIST.- LAKHIMPUR ASSAM
PIN- 78416

VERSUS

THE STATE OF ASSAM AND 2 ORS
REP. BY COMM. AND SECY. TO THE GOVT. OF ASSAM, HIGHER EDUCATION DEPTT., DISPUR, GHY-06, DIST.- KAMRUP (M), ASSAM

2:THE JOINT SECRETARY TO THE GOVT. OF ASSAM
HIGHER EDUCATION DEPTT.
DISPUR
GHY-06
DIST.- KAMRUP (M)
ASSAM
GHY-14

3:THE DIRECTOR OF HIGHER EDUCATION
ASSAM
KAHILIPARA
GHY-1

Advocate for the Petitioner : MR. P UPADHYAY

Advocate for the Respondent : SC, HIGHER EDU

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

O R D E R

09.12.2020

Heard Mr. A Upadhyay, learned counsel for the petitioner and Mr. K Gogoi, learned Standing Counsel for Higher Education Department of the Government of Assam.

The petitioner is aggrieved to the extent that although as per the various advertisements in different colleges, the guidelines provided in the Office Memorandum dated 09.08.2019 would govern the field, but the respective colleges by adopting a method contrary to the law is now trying to pursue with the selection pursuant to a new set of guidelines contained in the Office Memorandum dated 17.11.2020.

On principle we are in agreement with the petitioner that the Rules prevailing when the vacancies had arisen or when the advertisement was made would govern the field. But the petitioner had applied against different advertisements in different colleges, where the individual facts and dates may vary to certain extent.

In view of the above, we are of the view that individual petitions against the illegal acts of individual colleges would be a more appropriate procedure to be followed by the petitioner.

For doing what is necessary, the petitioner is allowed to withdraw this writ petition with liberty to file afresh.

Writ petition stands closed on being withdrawn.

JUDGE

Comparing Assistant