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

Case No. : WP(C)/5753/2019

JAYANTA KUMAR BAISHYA AND ANR.
S/O LT. PRAFULLA KR. BAISHAYA, R/O. VILL.- MIRZA (KOCHPARA), DIST.- KAMRUP, ASSAM, PIN- 781125.

2: UTPAL DAS
S/O NAGEN DAS
R/O. VILL. AMRANGA (MEDHIPARA)
PO- AMRANGA
DIST- KAMRUP
ASSAM
PIN- 781125

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM, DEPTT. OF HIGHER EDUCATION, DISPUR, GUWAHATI, ASSAM. PIN- 781006.

2:THE JOINT SECRETARY
EDUCATION HIGHER DEPTT.
DISPUR
GHY.
ASSAM, PIN- 781006.

3:THE DIRECTOR OF HIGHER EDUCATION
KAHILIPARA
GUWAHATI, ASSAM
PIN- 781019.

4:THE PRINCIPAL
DAKHIN KAMRUP COLLEGE
MIRZA, PO- MIRZA
KAMRUP, ASSAM
PIN- 781125

Advocate for the Petitioner : MR. B PATHAK

Advocate for the Respondent : SC, HIGHER EDU

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

O R D E R

24.11.2020

Heard Mr. B Pathak, learned counsel for the petitioners and Mr. K Gogoi, learned standing counsel for the Higher Education Department of the Government of Assam.

2. The petitioners, who are working as Lecturers in Chemistry in DK College, Mirza against non-sanctioned posts since 17.08.2000 and 13.02.2004 respectively seek a direction for a regularization as per the Government Memorandum dated 17.07.2004. It is stated that the issue had been decided by the Full Bench of this Court in its judgment dated 07.02.2012 in WP(C) No.2727/2010 (Mizanur Rahman and Others –vs- The State of Assam and Others), which was also subsequently followed by this Court in its judgment dated 15.06.2018 in WP(C) No. 193/2018. The purport of such judgment of this Court is that the lecturers, who were working against non-sanctioned posts are entitled to a consideration for their regularization as per the decision taken by the authorities in the Higher Education Department of the Government of Assam. It is also stated that there is a list dated 22.04.2010 providing the names of such lecturers, whose cases are taken up by the authorities for regularization. It is stated that the names of the petitioners also do find in such list being at Serial No.198 and 321.

3. In view of above, the writ petition stands disposed of requiring the Director of Higher Education to consider the claim of the petitioners as indicated above and pass a reasoned order thereof. If the petitioners are found eligible for regularization as per the decision of the Government of Assam, the judgment of this case, as well as the select list so published, appropriate orders be passed. On the other hand, if

they are found not entitled, a reasoned order be passed and the petitioners be communicated the same.

4. The requirement of passing the reasoned order by the Director of Higher Education, Assam be done within a period of three months from the date of receipt of a certified copy of this order.

Writ petition stands disposed of in the above manner.

JUDGE

Comparing Assistant