GAHC010011252023

2026:GAU-AS:4876-DB

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

Case No. : WA/310/2023

1: THE GAUHATI UNIVERSITY AND ANR. REP. BY ITS VICE-CHANCELLOR, GOPINATH BORDOLOI NAGAR, GUWAHATI - 781014, DIST.- KAMRUP (METRO), ASSAM.

2: THE REGISTRAR GAUHATI UNIVERSITY GOPINATH BORDOLOI NAGAR GUWAHATI- 781014 DIST. KAMRUP (METRO) ASSAM

VERSUS

1: PRANITA CHOUDHURY AND ANR.
W/O DR. PURUJIT CHOUDHURY, R/O HOUSE NO. 39, ARYA PATH, GOPINATH NAGAR, GUWAHATI - 781016, DIST. KAMRUP METRO, ASSAM.

2:THE BAR COUNCIL OF INDIA REPRESENTED BY ITS SECRETARY
21 ROUSE AVENUE INSTITUTIONAL AREA NEW DELHI-110002 DELHI

For the Appellant(s) : Mr. P.J. Phukan, Standing Counsel, Gauhati University.

For the Respondent(s) : Mr. A.K. Sarma, Advocate for respondent No.1.
: Mr. A. Goswami, Advocate for respondent No.2.

– B E F O R E –
HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

02.04.2026
(Ashutosh Kumar, CJ)

We have heard Mr. P.J. Phukan, learned Standing Counsel, Gauhati University for the appellants; Mr. A.K. Sarma, learned Advocate for the respondent No.1 and Mr. A. Goswami, learned Advocate for the

respondent No.2.

This writ appeal is directed against the judgment & order dated 15.12.2022 passed by a learned Single Judge of this Court in WP(C) No.5333/2015.

The respondent No.1 claims to have been serving as a part-time Lecturer at the University Law College under Gauhati University. She has not been selected or appointed by the Statutory Selection Committee constituted under Section 15-A read with Section 13 of the Gauhati University Act, 1947, as amended.

The stand of the appellants is that regular Lecturers of the College have been duly appointed through the statutory procedure.

Nonetheless, because of the respondent No.1 having rendered her services as a part-time Lecturer in the University Law College, she approached this Court seeking regularization of her service, primarily on the ground that the Legal Education Committee of the Bar Council of India had recommended that part-time Lecturers, who have served for a long time, should be regularized.

Vide the impugned judgment, the University Authorities have been directed to consider the case of the respondent No.1 for regularization of her services.

This appeal has been preferred on the ground that such direction would be contrary to the settled principles of law laid down by the Supreme Court and various other High Courts regarding appointments and regularization against public employment.

A perusal of the impugned judgment reflects that the learned Single Judge came to the conclusion that the respondent No.1 had

made out a case for consideration of her case for regularization.

We dispose off this appeal by modifying the impugned judgment to the extent that the candidature of the respondent No.1 shall be considered for fresh/regular appointment and, in case it is not possible, the same shall be communicated to the respondent No.1 within a period of 30(thirty) days by passing a speaking order.

We further clarify that any observation made in the impugned judgment with regard to the respondent No.1 having been made out a case for regularization, shall not be taken into account unless the statutory Rules permit for such a conclusion.

The appeal stands disposed off accordingly.

Needless to state that while considering the candidature of the respondent No.1, her experience as Lecturer shall also be taken into account.

In the meantime, if the respondent No.1 is still serving, her services as a part-time Lecturer shall not be dispensed with.

Any order, staying the regular selection process in the meanwhile, stands vacated.

JUDGE **CHIEF JUSTICE**

Comparing Assistant