

I.A. 1141/2016

BEFORE

HON'BLE MR JUSTICE UJJAL BHUYAN

Heard Mr J Payeng, learned counsel for the petitioner and Mr P K Munir, learned counsel for the opposite party No. 1.

This application has been filed for vacation of the interim order dated 20.05.2013, passed in WP(C) No. 2661 of 2014.

Applicant is respondent No. 6 in the related writ petition, whereas, opposite party No. 1 is the writ petitioner. Writ petition has been filed challenging the recommendation of the school authority in favour of the applicant for appointment as Grade-IV in Sisimukh Higher Secondary School in the district of Dhemaji by contending that applicant had adopted unfair means in the recruitment process, which was detected and intercepted by the invigilator; yet, overlooking such unfair means adopted by the applicant, he was recommended.

This Court vide order dated 20.05.2013, issued notice and passed an interim order, directing the respondents not to appoint the applicant in the notified Grade-IV post. It is for vacation of this order that the present application has been filed.

Allegation against the applicant is quite serious. Though the writ petition is pending since the year 2013, for more than 3 (three) years now, no affidavit has been filed either by the Education Department or by the authorities of Sisimukh Higher Secondary School. In fact, applicant has also not filed any affidavit, controverting the averments made in the writ petition. That being the position, as on date, averments made in the writ petition have remained uncontroverted. In the face of such uncontroverted averments, it would not be just and proper to vacate the interim order dated 20.05.2013.

Interlocutory Application is dismissed.