

GAHC010191642020



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

**Case No. : WP(C)/5751/2020**

DR. ASHUTOSH ROY  
S/O- LT. MADHAB LAL ROY, CHIEF SCIENTIST, REGIONAL AGRICULTURAL  
RESEARCH STATION, AAU, DIPHU R/O- JYOTI NAGAR, BONGAL PUKHURI,  
NA ALI, JORHAT- 785001

VERSUS

ASSAM AGRICULTURAL UNIVERSITY AND 3 ORS  
JORHAT- 785013, ASSAM, REP. BY ITS REGISTRAR

2:THE VICE- CHANCELLOR  
ASSAM AGRICULTURAL UNIVERSITY  
JORHAT- 785013  
ASSAM

3:THE REGISTRAR  
ASSAM AGRICULTURAL UNIVERSITY  
JORHAT- 785013  
ASSAM

4:DR KANSAM DAYAMOY SINGHA  
PRINCIPAL SCIENTIST (PLANT PATHOLOGY)  
REGIONAL AGRICULTURAL RESEARCH STATION  
SHILLONGONI  
NAGAO

**Advocate for the Petitioner : MR. R DUBEY**

**Advocate for the Respondent : SC, AAU**

**BEFORE  
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA**

**ORDER**

**Date : 22-12-2020**

Heard Mr. R Dubey, learned counsel for the petitioner. Also heard Mr. PN Goswami, learned counsel for the Assam Agriculture University (for short, AAU).

2. The petitioner is presently serving as an in-charge Chief Scientist in the Regional Agricultural Research Station, Diphu under the respondent AAU. By the order dated 04.12.2020, the respondent No.4, Dr. Kansam Dayamoy Singha, who is the Principal Scientist (Plant Pathology) in the Regional Agricultural Research Station at Shillongoni, Nagaon has been appointed as the Chief Scientist in the Regional Agricultural Research Station, Diphu.

3. The petitioner claims that while he had joined the respondent University as a Senior Research Assistant at Shillongoni, Nagaon in the year 1984 and after getting promotion at various stages, he was selected as the Chief Scientist, the respondent No.4, on the other hand, had been selected as the Chief Scientist by the order dated 21.11.2020. Accordingly, the petitioner claims that as a Chief Scientist he is senior to the respondent No.4. The petitioner is aggrieved to the extent that although the respondent No.4 had been transferred and posted in the post which he was holding, but the petitioner in turn has not been given any posting and the circumstances would be that now the petitioner will be required to serve under a person who is junior to him as a Chief Scientist.

4. In the circumstance, the petitioner has submitted a representation dated 07.12.2020 before the Registrar AAU.

5. In view of the above, we deem it appropriate that ends of justice would be met if a direction is issued to the Registrar AAU to give a consideration to the representation of the petitioner dated 07.12.2020 and pass a reasoned order thereon and also to ensure that the petitioner is not required to serve under a person who would be junior to him as a Chief Scientist.

6. It would be open for the Registrar, AAU to pass any appropriate order that may be permissible under the law. Till such a consideration is given and a reasoned order is passed by the Registrar, the transfer and posting of the respondent No.4 as Chief Scientist in the Regional Agricultural Research Station, AAU, Diphu shall remain stayed
7. The Registrar, AAU would be at liberty to pass a reasoned order at any time the Registrar deems it appropriate for the purpose.
8. Writ petition stands disposed of in the above terms.

**JUDGE**

**Comparing Assistant**