

GAHC010174342022



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

Case No. : WP(C)/5659/2022

APURBA KUMAR BARO
S/O- GANGADHAR BARO, R/O- VILL- KARAIGAON, P.O. KHATALPARA,
DIST.- BAKSA, BTR, ASSAM, PIN- 781316

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, EDUCATION
(HIGHER) DEPTT., DISPUR, GHY-06

2:THE DIRECTOR OF HIGHER EDUCATION
KAHILIPARA
GHY-19
DIST.- KAMRUP (M)
ASSAM

3:THE GOVERNING BODY OF B.H.B COLLEGE
SARUPETA
BARPETA REP. BY ITS PRESIDENT
B.H.B COLLEGE
P.O. SARUPETA
DIST.- BARPETA
PIN- 731318

4:THE PRINCIPAL/SECRETARY
OF B.H.B COLLEGE
P.O. SARUPETA
DIST.- BARPETA
PIN- 731318

5:THE CHAIRMAN OF THE SELECTION COMMITTEE OF B.H.B COLLEGE
CONSTITUTED FOR THE SELECTION OF ASSTT. PROFESSOR IN BODO IN

B.H.B COLLEGE
P.O. SARUPETA
DIST.- BARPETA
PIN- 731318

6:DR. KANUN BASUMATARY
S/O- LT. BIRCHARAN BASUMATARY
R/O- VILL- MILANPUR
P.O. PATGAON
DIST.- KOKRAJHAR
BTC
ASSAM
PIN- 78334

Advocate for the Petitioner : MR. P MAHANTA

Advocate for the Respondent : SC, HIGHER EDU

B E F O R E
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

31-08-2022

Heard Mr. P. Mahanta, learned counsel for the petitioner. Also heard Mr. K. Gogoi, learned Standing Counsel, Higher Education Department for Respondents No.1 and 2.

Pursuant to an advertisement dated 26.03.2022 issued by the Principal, B.H.B. College, Sarupeta, District – Barpeta, Assam, the petitioner applied for the post of Assistant Professor, Bodo, Group-B (Language) Roster Point – 24. After the recruitment process was over, the Selection Committee selected Respondent No.6 for appointment to the said post of Assistant Professor in Bodo in the said College with regard to Group –B (Language). The petitioner has annexed the consolidated statement of candidates for interview of Assistant Professor, Department

of Bodo B.H.B. College, Sarupeta, which he claims that he had obtained the same after filing a RTI application. In the said statement of candidates, the petitioner is shown at Serial No.1 with 52.33 marks and the Respondent No.6 is shown at Serial No.4 with 52.92 marks and he is shown to be selected.

Learned counsel for the petitioner has drawn the attention of the Court to the Office Memorandum dated 24th January, 2022 issued by the Secretary to the Government of Assam, Higher Education Department wherein at Clause – 8 with regard to 'Research Contribution and Teaching Experience', two (2) marks is to be allotted for - '*Teaching/Library management experience in the concerned subject/ domain (1 mark for each completed year of services after acquiring UGC norms in provincialised/Govt./Affiliated Degree College/ Libraries of Govt. Institute/Higher Secondary Classes of provincialised Schools. Subject to maximum of 2 marks). However, if the period of teaching experience is less than one year then the marks shall be reduced proportionately. In this case, a minimum of 3(three) months teaching experience will be counted.*'

It is the case of the petitioner that the Respondent No.6 was working only as Guest Lecturer for teaching language to the trainees learning Bodo language in the North Eastern Regional Language Centre and, therefore, he could not have been allotted two marks against his teaching experience. The petitioner has also filed a representation dated 12.08.2022 before the Director of Higher Education, Assam, against the selection of Respondent No.6.

After considering the matter in its entirety, it is noticed that the official respondents is yet to take a final decision in the matter. Therefore, when no final decision is taken, and the writ petition has been filed only on apprehension, no relief can be granted to the petitioner at this stage and, accordingly, the writ petition is dismissed.

However, the petitioner is permitted to file a fresh representation annexing all the relevant documents along with the copy of the writ petition and the annexures appended thereto before the Director of Higher Education, Assam/Respondent No.2 within a period of one week from today. Thereafter, on receipt of the representation, the Respondent No.2 shall hear the petitioner as well as the Respondent No.6 in person and also the College authorities, and, thereafter, pass a final order for appointment to the post of Assistant Professor, Bodo Language, Group- B, by taking into consideration the Office Memorandum dated 24.01.2022 issued by the Secretary to the Government of Assam, Higher Education Department, within a period of three weeks from the date of receipt of the copy of the representation.

Liberty is also granted to the petitioner to approach this Court if he is further aggrieved by any final orders that may be passed by the respondents.

JUDGE