

GOVERNMENT OF ASSAM
OFFICE OF THE DIRECTOR OF HIGHER EDUCATION, ASSAM
KAHILIPARA, GUWAHATI-19.

No. DHE/CE/CC/29/2020/15,

Dated Kahilipara, the 03rd Sept'2020.

From: Smti. G. Phukan, ACS,
Director of Higher Education, Assam
Kahilipara, Guwahati- 19.

To, ✓

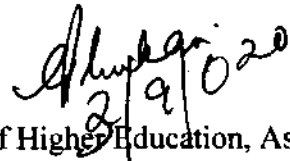
The Principal,
Provincialised and Govt. Colleges of Assam (All).

Sub: **Regarding comply with the Hon'ble High Court order dated 21-08-2019 in W.P.(C) No. 5998/2019 and dated 13-02-2020 passed in Case No.I.A.(Civil)4287/2019 in W.P.(C) No.5998/2019.**

Sir,


In inviting a reference to the subject cited above, I would like to enclose herewith copies of Hon'ble High Court Order dated 21-08-2019 passed in W.P.(C) No. 5998/2019 and dated 13-02-2020 passed in case No. I.A. (Civil) 4287/2019 in W.P. (C) No. 5998/2019 filed by Pallavi Sharma and 23 others-Vs- The State of Assam and others and request you to comply with the Hon'ble High Court's order dated 21-08-2019 and dated 13-02-2020 from your end.

Yours faithfully,

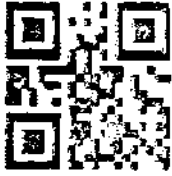

Director of Higher Education, Assam
Kahilipara, Guwahati-19.
Dated Kahilipara, the 03rd Sept'2020.

Memo No. DHE/CE/CC/29/2020/15-A,
Copy to :-

1. The Commissioner and Secretary to the Govt. of Assam, Higher Education Department, Assam, Dispur, Guwahati-06, for information.
2. The Senior Standing Counsel, Higher Education Department, Gauhati High Court, Guwahati-01, for information.


Director of Higher Education, Assam
Kahilipara, Guwahati-19.

GAHC010310472019



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

Case No. : I.A.(Civil) 4287/2019 in WP(C) 5998/2019

1: PALLAVI SHARMA AND 23 ORS.
D/O LATE ATUL CHANDRA SHARMA, R/O HENGERABARI, KALIMANDIR,
P.O. HENGERABARI, GUWAHATI, DIST. KAMRUP (M), ASSAM, PIN 781036

2: ABDUL AZIZ ALI
S/O-LATE NURUL ISLAM
R/O- VILL- MIRIHULA
P.O- MARANHAT
DIBRUGARH
ASSAM
PIN- 785670

3: DEWAN SAHIDUR RAHMAN
DEWAN KHALILUR RAHMAN
R/O- VILL- TUMNI LAWKHOWA
DIST- DHUBRI
ASSAM
PIN- 783127

4: PORI BURAGOHAJN
D/O- SRI KESHAB CH GOHAJN
R/O- RAILUNG CHETIA GAON
P.O- HAHCHARA
JORHAT
ASSAM
PIN- 785701

5: MAZEDUL ISLAM
S/O- MOFIZUL ISLAM
R/O- VILL- NIDANPUR PART-I

P.O- LAKHIPUR
DIST- GOALPARA
ASSAM
PIN- 783129

6: RUHUL AMIN BEPARI
R/O- VILL AND P.O- LAKHIMARI
P.S- GOLAKGANJ
DIST- DHUBRI
ASSAM
PIN- 783334

7: PARTHA PRATIM DEY
S/O- KAMAKHYA RANJAN DEY
J-012 DIBANG HOSTEL
IIT GUWAHATI
KAMRUP
ASSAM
PIN- 781039

8: MONZURUL KADER AHMED
S/O- AMZAD HUSSAIN AHMED
R/O- VILL- AIRANJANGLA
DIST- DHUBRI
PIN- 783323

9: PONCHAMI SHARMA
D/O- RAJEN SHARMA
R/O- MONAI MAZI GAON
MALOW ALI
P.O- DHEKORGORHA
JORHAT- 785001
ASSAM
PIN- 785015

10: SHREEMOYEE BORDOLOI
D/O- RAJEN BORDOLOI
DEPTT OF CHEMISTRY
DIBRUGARH UNIVERSITY
DIBRUGARH
PIN- 786004

11: PODMA POLLOV SARMAH
S/O- PROTAP SARMAH
R/O- KOROKATOLI
JORHAT
ASSAM
PIN- 785015

12: PALLAB KUMAR SAIKIA
S/O- BIREN SAIKIA
R/O- VILL- POTIA GAON
NEAR POTIA GAON WATER SUPPLY
DIST- JORHAT
ASSAM
PIN- 785101

13: GAUTAM KUMAR SARMA
S/O- LATE NIRENDRA NATH SARMA
R/O- LNB ROAD
WARD NO.1
P.O- DHUBRI
ASSAM
PIN- 783301

14: NIZAMUDDIN AHMED
S/O- LATE KALMUDDIN AHMED
R/O- VILL- FAKIRTOLA
P.O- HAJO
DIST- KAMRUP
ASSAM
PIN- 781102

15: NICHOLAS BHATTACHARJEE
S/O- UTPAL KUMAR BHATTACHARJEE
R/O- COLLEGE ROAD
DHUBRI
ASSAM
PIN- 786624

16: SUKANYA BARUAH
D/O- DR. SURYA KR BARUAH
R/O- LANE -F
AMC CAMPUS
DIBRUGARH

DIST- DIBRUGARH
ASSAM
PIN- 786002

17: DEBAJIT SAIKIA
S/O- SONARAM SAIKIA
R/O- VILL- RAMNAGAR
P.O- DHEMAJI
DIST- DHEMAJI
ASSAM
PIN- 787057

18: DEBAJYOTI DUTTA
S/O- DEBENDRANATH DUTTA
R/O- KAKOJAN
SONARIGAON
DIST- JORHAT
ASSAM
PIN- 785107

19: UPAMANYU SHARMA
S/O- LATE GOKARNA BRAHMEN
R/O- VILL- SONARI GAON
P.O- DONGIBIL (BIHPURIA)
DIST- LAKHIMPUR
ASSAM
PIN- 784161

20: NIRMALA DEVI
D/O- SRI KAMINI MOHAN SHARMA
R/O- RAZGARG
P.O- HUALKUCHI
KAMRUP
ASSAM
PIN- 781103

21: SAMPUK BHUYAN
D/O- ANIL KR BHUYAN
R/O- H NO. 7
LKRB PATH
NABIN NAGAR
GUWAHATI
DIST- KAMRUP(M)

ASSAM
PIN- 731003

22: BORNALI BORUAH
D/O- LATE JIBA KANTA BORUAH
R/O- VILL- MEZENGA
P.O- MEZENGA
DIST- SIVASAGAR
ASSAM
PIN- 735685

23: MONMI SAIKIA
D/O- TONKESWAR SAIKIA
R/O- VILL- CHUTIA GAON
KAMARBANDHA ALI
P.O- BOKOLIA
DIST- GOLAGHAT
ASSAM
PIN- 785625

24: AZIZUR RAHMAN
S/O- ALIMUDDIN AHMED
R/O- H NO. 4
BYE LANE 1A
MAYA PATH
PANJABARI ROAD
SIXMILE
GUWAHATI
ASSAM
PIN- 78102

VERSUS

1: THE UNION OF INDIA AND 4 ORS
REPRESENTED BY THE SECY., DEPTT. OF HIGHER EDUCATION, MINISTRY
OF HUMAN RESOURCE DEVELOPMENT, SHASTRI BHAWAN, NEW DELHI
110001

2: THE JOINT SECRETARY
DEPTT OF HIGHER EDUCATION
MIN OF HUMAN RESOURCE DEVELOPMENT
SHASTRI BHAWAN
NEW DELHI- 110001

3:THE STATE OF ASSAM
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
HIGHER EDUCATION DEPTT
DISPUR
GUWAHATI- 06
DIST- KAMRUP (M)
ASSAM

4:THE JOINT SECRETARY
TO THE GOVT OF ASSAM
HIGHER EDUCATION DEPTT
DISPUR
GUWAHATI- 06
DIST- KAMRUP (M)
ASSAM

5:THE DIRECTOR OF HIGHER EDUCATION
ASSAM
KAHILIPARA
GHY- 1

Advocate for the Petitioner : MR A D CHOUDHURY

Advocate for the Respondent : ASSTT.S.G.I

BEFORE
HON'BLE MR. JUSTICE N. KOTISWAR SINGH

ORDER

13.02.2020

Heard Mr. A.D. Choudhury, learned counsel for the applicants. Also heard Mr. K. Gogoi, learned standing counsel, Higher Education Department and Mr. D. Das, learned standing counsel, UGC.

The present application has been filed for clarifying the order passed by this Court on 21.08.2019 in WP(C) No.5998/2019, by which this Court had directed, inter alia, that the

applicants/petitioners may be allowed to apply for the advertised posts of Assistant Professors in various colleges of Assam. However, their candidature and selection, if any, shall be subject to the result of the writ petition.

Learned counsel for the applicants submits that though the applicants have been allowed to apply for the posts, they have not been allowed to take part in the recruitment process, which is going on, because of the reason that the Director of Higher Education has not forwarded the copy this order to the respective colleges.

This Court fails to understand how the Principals of various colleges could avoid the order of this Court on the ground that the same has not been communicated to them by the Director when the same has been communicated by the applicants/petitioners to them.

Considering the submissions advanced by the learned counsel for the applicants, the applicants may file appropriate application before this Court as to why the concerned Principals did not comply with the direction of this Court so that appropriate orders can be passed in such proceeding.

A copy of this order may be furnished to the Director of Higher Education, Assam by the applicants for doing the needful.

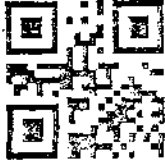
I.A. stands disposed of.

Sd/- N. Kotiswar Singh
JUDGE

Comparing Assistant



GAHC010196152019



Application No.	Application Received on	Date on which copy was made ready	Fees paid (Rs.)	Posting date to Delivery Desk
462772	21/08/2019	30/08/2019	100.00	30/08/2019

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

Case No. : WP(C) 5998/2019

1: PALLAVI SHARMA AND 23 ORS.
D/O- LATE ATUL CHANDRA SHARMA, R/O- HENGRABARI, GUWAHATI,
DIST- KAMRUP(M), ASSAM, PIN- 781036

2: ABDUL AZIZ ALI
S/O-LATE NURUL ISLAM
R/O- VILL- MIRIHULA
P.O- MARANHAT
DIBRUGARH
ASSAM
PIN- 785670

3: DEWAN SAHIDUR RAHMAN
DEWAN KHALILUR RAHMAN
R/O- VILL- TUMNI LAWKHOWA
DIST- DHUBRI
ASSAM
PIN- 783127

4: PORI BURAGOHAIN
D/O- SRI KESHAB CH GOHAIN
R/O- RAILUNG CHETIA GAON
P.O- HAHCHARA
JORHAT
ASSAM
PIN- 785701

5: MAZEDUL ISLAM
S/O- MOFIZUL ISLAM
R/O- VILL- NIDANPUR PART-I
P.O- LAKHPUR
DIST- GOALPARA
ASSAM
PIN- 783129

6: RUHUL AMIN BEPARI
R/O- VILL AND P.O- LAKHIMARI
P.S- GOLAKGANJ
DIST- DHUBRI
ASSAM
PIN- 783334

7: PARTHA PRATIM DEY
S/O- KAMAKHYA RANJAN DEY
J-012 DIBANG HOSTEL
BT GUWAHATI
KAMRUP
ASSAM
PIN- 781039

8: MONZURUL KADER AHMED
S/O- AMZAD HUSSAIN AHMED
R/O- VILL- AIRANJANGLA
DIST- DHUBRI
PIN- 783323

9: PONCHAMI SHARMA
D/O- RAJEN SHARMA
R/O- MONAI MAZI GAON
MALOW ALI
P.O- DHEKORGORHA
JORHAT- 785001
ASSAM
PIN- 785015

10: SHREEMOYEE BORDOLOI
D/O- RAJEN BORDOLOI
DEPTT OF CHEMISTRY
DIBRUGARH UNIVERSITY
DIBRUGARH
PIN- 786004

11: PODMA POLLOV SARMAH
S/O- PROTAP SARMAH
R/O- KOROKATOLI
JORHAT
ASSAM
PIN- 785015

12: PALLAB KUMAR SAIKIA
S/O- BIREN SAIKIA
R/O- VILL- POTIA GAON

NEAR POTIA GAON WATER SUPPLY
DIST- JORHAT
ASSAM
PIN- 785101

13: GAUTAM KUMAR SARMA
S/O- LATE NIRENDRA NATH SARMA
R/O- LNB ROAD
WARD NO.1
P.O- DHUBRI
ASSAM
PIN- 783301

14: NIZAMUDDIN AHMED
S/O- LATE KALMUDDIN AHMED
R/O- VILL- FAKIRTOLA
P.O- HAJO
DIST- KAMRUP
ASSAM
PIN- 781102

15: NICHOLAS BHATTACHARJEE
S/O- UTPAL KUMAR BHATTACHARJEE
R/O- COLLEGE ROAD
DHUBRI
ASSAM
PIN- 786624

16: SUKANYA BARUAH
D/O- DR. SURYA KR BARUAH
R/O- LANE -F
AMC CAMPUS
DIBRUGARH
DIST- DIBRUGARH
ASSAM
PIN- 786002

17: DEBAJIT SAIKIA
S/O- SONARAM SAIKIA
R/O- VILL- RAMNAGAR
P.O- DHEMAJI
DIST- DHEMAJI
ASSAM
PIN- 787057

18: DEBAJYOTI DUTTA
S/O- DEBENDRANATH DUTTA
R/O- KAKOJAN

SONARIGAON
DIST- JORHAT
ASSAM
PIN- 785107

19: UPAMANYU SHARMA
S/O- LATE GOKARNA BRAHMIN
R/O- VILL-SONARI GAON
P.O- DONGIBIL (BIHPURIA)
DIST- LAKHIMPUR
ASSAM
PIN- 784161

20: NIRMALA DEVI
D/O- SRI KAMINI MOHAN SHARMA
R/O- RAZGARG
P.O- HUALKUCHI
KAMRUP
ASSAM
PIN- 781103

21: SAMPURN BHUYAN
D/O- ANIL KR BHUYAN
R/O- H NO. 7
LKRB PATH
NABIN NAGAR
GUWAHATI
DIST- KAMRUP(M)
ASSAM
PIN- 781003

22: BORNALI BORUAH
D/O- LATE JIBA KANTA BORUAH
R/O- VILL- MEZENGA
P.O- MEZENGA
DIST- SIVASAGAR
ASSAM
PIN- 785685

23: MONMI SAIKIA
D/O- TONKESWAR SAIKIA
R/O- VILL- CHUTIA GAON
KAMARBANDHA ALI
P.O- BOKOLIA
DIST- GOLAGHAT
ASSAM
PIN- 785625

24: AZIZUR RAHMAN
S/O- ALIMUDDIN AHMED
R/O- H NO. 4
BYE LANE 1A
MAYA PATH
PANJABARI ROAD
SIXMILE
GUWAHATI
ASSAM
PIN- 78102

VERSUS

1: THE UNION OF INDIA AND 4 ORS
REP. BY THE SECRETARY, DEPTT OF HIGHER EDUCATION, MIN OF
HUMAN RESOURCE DEVELOPMENT, SHASTRI BHAWAN, NEW DELHI-
110001

2: THE JOINT SECRETARY
DEPTT OF HIGHER EDUCATION
MIN OF HUMAN RESOURCE DEVELOPMENT
SHASTRI BHAWAN
NEW DELHI- 110001

3: THE STATE OF ASSAM
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
HIGHER EDUCATION DEPTT
DISPUR
GUWAHATI- 06
DIST- KAMRUP (M)
ASSAM

4: THE JOINT SECRETARY
TO THE GOVT OF ASSAM
HIGHER EDUCATION DEPTT
DISPUR
GUWAHATI- 06
DIST- KAMRUP (M)
ASSAM

5: THE DIRECTOR OF HIGHER EDUCATION
ASSAM
KAHILIPARA
GHY- 1

Advocate for the Petitioner : MR A D CHOUDHURY

Advocate for the Respondent : ASSTT.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE N. KOTISWAR SINGH

ORDER

Date : 21-08-2019

Heard Mr. A.D. Choudhury, learned counsel assisted by Mr. T. Chakraborty, learned counsel for the petitioners.

Issue notice, returnable within 3 (three) weeks.

Mr. S.C. Keyal, learned ASGI accepts notice on behalf of the respondent Nos. 1 & 2.

Mr. R. Majumder, learned Standing Counsel, Higher Education Department accepts notice on behalf of the respondent Nos. 3, 4 & 5.

Ms. T. Ghosh, learned Standing Counsel UGC accepts notice on behalf of the respondent No. 6.

All the petitioners claim that they are eligible for appointment to the posts of Assistant Professors as per the UGC Guidelines.

According to the petitioners, the State Government issued an Office Memorandum on 08.11.2018, by which they have laid down the selection procedure for appointment to the posts of Assistant Professor/ Librarian, which according to the petitioners, are not in conformity with the UGC guidelines. For example, though the UGC guidelines had not provided any specific minimum age of the applicant, under the Office Memorandum, the maximum age has been fixed at 38 years for General category with relaxation provided for other categories.

It has been also stated that by the aforesaid Office Memorandum, undue advantage is given to the candidates who had recently passed out their HSLC examination and most of the petitioners had completed their HSLC examination long before.

Further, as per the UGC norm, at least 25 marks are to be allotted to candidates who possess Ph.D. Degree. However, under the aforesaid Office Memorandum, only 9 marks have earmarked, thus, putting such candidates having Ph.D. Degree in a less advantageous position.

11(2)17

Other issues have been also raised in challenging the said Office Memorandum dated 08.11.2018.

This Court is of the view that the aforesaid issues can be examined after the respondents file their affidavit. However, in order to protect the interest of the petitioners, the petitioners may be allowed to apply for the posts of Assistant Professors as advertised by various Colleges in the State of Assam.

However, their candidature and selection, if any, shall be subject to the result of this petition.

In other words, the petitioners may be allowed to apply for the advertised posts of Assistant Professors in various Colleges of State of Assam. However, their candidature and selection, if any, shall be subject to the result of this petition.

List this matter again on 27.09.2019.

Sd/- N. Kati Suman Singh
JUDGE

for 30.08.19
Comparing Assistant

CERTIFIED TO BE TRUE COPY
Key Kumar Karite
Date *30/08/2019*
Administrative Officer (Judicial)
Copying Section
Gauhati High Court
Authorised U/S 76, Act 1, 1872