
(2018) 01 GAU CK 0073
In the Gauhati High Court
Case No : 4615 of 2017

ABDUL HOQUE, M.A., B.ED

APPELLANT

Vs

THE STATE OF ASSAM & ORS

RESPONDENT

Date of Decision : 24-01-2018

Acts Referred:

Citation : (2018) 01 GAU CK 0073

Hon'ble Judges : Achintya Malla Bujor Barua

Bench : Single Bench

Advocate : S K DAS, U K GOSWAMIR

Final Decision : Disposed

Judgement

1. Heard Mr. S. Das, learned counsel for the petitioner. Also heard Mr. S. Ghosh, learned counsel appearing for the Secondary Education

Department and Mr. U.K. Goswami, learned counsel appearing for the respondent No.4.

2. The petitioner who was serving as an Assistant Teacher in English in the J.N. Memorial H.S. School, Agia having been appointed on

18.04.1994, had participated in a regular selection process for the post of Principal of the said school, which was held pursuant to the

advertisement dated 18.06.2016. The result of the said selection process is available in the minutes of the school selection committee held on

24.11.2016. As per the said minutes, the petitioner was recommended as the 3rd candidate, while Biraj Chakraborty and Munindra Ch. Das were

recommended as the 1st and 2nd candidate. It is stated that in the meantime, Biraj Chakraborty had retired from service, whereas, the petitioner

Abdul Hoque at 3rd position and Munindra Ch. Das at 2nd position had both got

the same marks being 11 out of 15 and therefore, they are jointly ranked as the 2nd candidate.

3. In the circumstance as indicated above, this present writ petition has been preferred for a direction to the respondent authorities to appoint the petitioner as the Principal of J J.N. Memorial H.S. School, Agia. As per the recommendation of the State Selection Board, Abdul Hoque was found to be senior to Munindra Ch. Das and therefore, the Selection Committee recommended the petitioner Abdul Hoque for the post of Principal.

4. In the order of 02.08.2017 of this Court, in the interim, it was provided that the respondents are at liberty to act on the recommendation of the State Selection Board but fresh selection should not be done.

5. Mr. S.K. Ghosh upon instruction has stated that because of the aforesaid order of 02.08.2017, the recommendation of the Selection Board could not be acted upon by the respondent authorities.

6. In view of such submission, it is clarified that the interim order had clearly provided that the respondents are at liberty to act on the recommendation of the State Selection Board and therefore, there cannot be any impediment in acting upon such recommendation. What was provided in the interim order was that no fresh selection process should be initiated for the post of Principal.

7. In view of the aforesaid clarification, Mr. Ghosh, learned standing counsel submits that the respondent authorities shall now act upon the recommendation of the Selection Board dated 07.07.2017 and bring the process to its logical end.

The aforesaid exercise shall be done within a period of one month from the date of receipt of certified copy of the order.

Writ petition is accordingly disposed of.