
(2021) 07 GAU CK 0057

In the Gauhati High Court

Case No : Writ Petition (Civil) No. 2893 Of 2021

Bijoy Kumar Doley

APPELLANT

Vs

State Of Assam And 4 Ors

RESPONDENT

Date of Decision : 13-07-2021

Acts Referred:

Citation : (2021) 07 GAU CK 0057

Hon'ble Judges : Achintya Malla Bujor Barua, J

Bench : Single Bench

Advocate : K Devi

Final Decision : Disposed Of

Judgement

1. Heard Ms. K Devi, learned counsel for the petitioner. Also heard Mr. K Gogoi, learned counsel for the Higher Education Department, Government

of Assam and Mr. NC Das, learned senior counsel for the respondent Dibrugarh University.

2. Considering the nature of the order proposed to be passed, we deem it appropriate that notice need not be issued to respondent No.5 for the present.

3. The petitioner by qualification is an MA in Assamese from the Dibrugarh University and on being appointed by the Managing Committee, he has

been serving as a Lecturer in the Assamese Department of the Brahmaputra Degree College, Lakhimpur on and from 07.11.2005. When the claim of

the petitioner for provincialisation under the Assam Education (Provincialisation of Services of Teachers and Re-Organisation of Educational

Institutions) Act, 2017 (for short, the Act of 2017) was processed, his name appeared at Sl.No.518 as per the approved list of incumbents as available

in the website of the Directorate of Higher Education Department. But subsequently when the final list was published the name of the petitioner for provincialisation did not appear.

4. The respondents in the Higher Education Department takes a stand that the services of the petitioner could not be provincialised as because the college concerned had lesser number of enrolments that was required under the law.

5. In the circumstance, the petitioner relies upon a document issued by the Controller of Examinations, Dibrugarh University dated 15.02.2021 which shows the enrolment of the students in the Brahmaputra Degree College, Lakhimpur for the last four years i.e. from the year 2016 to 2019. The petitioner relies upon the said document issued by the Dibrugarh University to substantiate that the college concerned had the required number of enrolment for the purpose of provincialisation.

6. Mr. K Gogoi, learned counsel for the Higher Education Department takes a stand that at the time when the decision was taken the documents that were available with the Higher Education authorities did not reveal the required number of enrolment.

7. In the circumstance, the petitioner had submitted a representation dated 17.02.2021 before the Director of Higher Education Assam bringing on record, the document issued by the Dibrugarh University showing the enrolment of the students. If the document issued by the Dibrugarh University depicts a correct picture of the enrolment in the Brahmaputra Degree College, Lakhimpur, the petitioner would definitely have a legal right for his case being considered on the basis of such document issued by the Dibrugarh University.

8. Mr. NC Das, learned senior counsel for the Dibrugarh University does not dispute the authenticity of the document dated 15.02.2021 issued by the Dibrugarh University.

9. In view of the above, instead of keeping the matter pending and issuing notices to the parties, we deem it appropriate that ends of justice would be met, if the representation submitted by the petitioner dated 17.02.2021 is given a due consideration by the Director of Higher Education Assam and pass a reasoned order thereon.

10. The above requirement be done by the Director of Higher Education within a

period of two months from the date of receipt of a certified copy of this order.

11. Writ petition stands disposed of in the above terms.