
(2018) 01 GAU CK 0123
In the Gauhati High Court
Case No : 5566 of 2013

MRS. SUPARNA NANDY KAR

APPELLANT

Vs

THE STATE OF ASSAM AND ORS

RESPONDENT

Date of Decision : 30-01-2018

Acts Referred:

Citation : (2018) 01 GAU CK 0123

Hon'ble Judges : Achintya Malla Bujor Barua

Bench : Single Bench

Advocate : A HOQUE, J M KONWAR, M.H. Choudhury, K. Gogoi

Final Decision : Disposed

Judgement

1. Heard Mr. M.H. Choudhury, learned counsel for the petitioner and Mr. K. Gogoi, learned Standing Counsel for Higher Education Department.

2. The petitioner was appointed as a Lecturer in the Department of Political Science of Lanka Mahavidyalaya as per the recommendation of the

Selection Committee in its meeting held on 19.11.1994. Accordingly, the Principal/Secretary of the College had issued an appointment letter dated

11.11.1994 to the petitioner. Since then, the petitioner had been rendering her service to the satisfaction of all concerned. Although the petitioner

was appointed after a selection by the Selection Committee, but at that relevant point of time, the post of Lecturer in the Political Science

Department of the concerned college was not a sanctioned post. Accordingly, the petitioner continued to serve against a non-sanctioned post.

3. In the year 2004, there was a policy decision of the Government of Assam to rationalize the services of such Lecturers, who were working

against non-sanctioned posts by diverting unutilized posts in other departments

or other colleges for the purpose of their regularization.

Consequently, the case of the petitioner also ought to have been considered pursuant to such process initiated by the Government of Assam. In this

writ petition, the petitioner is aggrieved inasmuch as, the process of rationalization/regularization of the petitioner against the converted unutilized

post was not further proceeded with pursuant to a request of the then Minister of Irrigation and Soil Conservation, Assam made to the Director of

Higher Education, Assam by a communication dated 03.09.2013. As per the said communication of the Minister, the process for diversion of a

post of Bengali subject was required to be stopped. In the aforesaid circumstance, this present writ petition has been preferred.

4. Mr. K. Gogoi, learned Standing Counsel for Higher Education Department in course of the hearing of the matter has produced a communication

dated 29.12.2017 from the Joint Secretary to the Government of Assam, Higher Education Department addressed to the Director of Higher

Education, Assam, wherein the approval of the Government of Assam for regularization of the Services of 99 numbers of college teachers as per

the list enclosed therein, was communicated. As per the enclosed list of 99 teachers, the name of the petitioner finds place at Serial No.73 in

respect of Lanka Mahavidyalaya. Accordingly, it is submitted that the grievance raised by the petitioner in this writ petition about non consideration

of her claim for rationalization/regularization against a sanctioned post had been taken care of. A photocopy of the communication dated

29.12.2017 including the list of 99 teachers containing the name of the petitioner is kept on record.

5. As the case of the petitioner had been favourably considered, it is an agreed stand of the learned counsel for the parties that no further

adjudication is required in this writ petition. Accordingly, the writ petition stands disposed of in the above manner. However, in the event of any

further grievance, liberty is granted to the petitioner to approach the Court again.