

GAHC010064862022



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

Case No. : PIL/35/2022

BYOMOKESH DUTTA
S/O LATE BARADA KANTA DUTTA, R/O BLOCK ROAD, RAMKRISHNA
NAGAR, P.O. AND P.S.-RAMKRISHNA NAGAR, DIST-KARIMGANJ, ASSAM,
PIN-788166

VERSUS

1.THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
EDUCATION (HIGHER) DEPTT., DISPUR, GUWAHATI-6

2:THE DIRECTOR OF HIGHER EDUCATION ASSAM
KAHILIPARA GUWAHATI-19

3:THE PRINCIPAL SECRETARY TO THE GOVT OF ASSAM
FINANCE DEPARTMENT
DISPUR GUWAHATI-6

4:THE GOVERNING BODY OF RAMKRISHNA NAGAR COLLEGE
REPRESENTED BY ITS PRESIDENT
RAMKRISHNA NAGAR
DIST-KARIMGANJ PIN-788710

5:DR. KRISHNA RANJAN PAUL
EX-PRINCIPAL AND GB PRESIDENT OF RAM KRISHNA NAGAR COLLEGE
S/O LATE GURANGA CHANDRA PAUL
VILL-BALICHERRA RAM KRISHNA NAGAR
P.S. AND P.O.-RAM KRISHNA NAGAR
DIST-KARIMGANJ PIN-788166

6:DR. MALA SHARMA
I/C PRINCIPAL-CUM-SECRETARY OF THE GOVERNING BODY OF RAM
KRISHNA NAGAR COLLEGE RAM KRISHNA NAGAR
DIST-KARIMGANJ PIN-78871

For the Petitioner : Mr. A.C. Borbora, Senior Advocate assisted by Mr. M. Smith, Advocate.

For the Respondent(s) : Mr. K. Gogoi and Mr. S. Das, Standing Counsel, Higher Education Department.

: Mr. D. Chakroborty, Advocate for respondent No.4.

: Mr. M. Mahanta, Advocate for respondent No.6.

– BEFORE –
HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE SUMAN SHYAM

11.06.2024

(Vijay Bishnoi, CJ)

This writ petition is filed by the petitioner in public interest essentially raising a grievance regarding appointment of the respondent No.6 as the Principal In-Charge of the R.K. Nagar College, Karimganj. Allegations regarding misappropriation of some funds have also been levelled against the respondent No.6 as well as the other authorities.

It appears that during the pendency of this writ petition, the State Government has conducted an enquiry through the Auditor of the Directorate of Higher Education and the Financial Advisor to the Directorate of Higher Education.

In the said enquiry, it is concluded that the respondent No.6, retired In-Charge Principal, was not at the helm of affairs during the period when the alleged irregularities had been committed. It is also concluded that the then Principals In-Charge were responsible for misappropriation of money.

In the enquiry report, recommendation has been made to take action against those Principals-in-Charge who were found to be involved in

misappropriation of money.

Mr. A.C. Borbora, learned Senior Counsel appearing for the petitioner has submitted that since the enquiry is already conducted by the authorities concerned, he is satisfied with the same. However, he has submitted that as the said enquiry report is of the year 2023 but the State authorities till date have not taken any steps for implementation of the recommendations made in the enquiry report, therefore, a direction be issued to the respondents to take action on the recommendations made in the enquiry report.

Learned counsel appearing for the State has submitted that since this writ petition (PIL) is pending, no action has been taken on the recommendations made in the enquiry report.

Taking into consideration the above facts and circumstances of the case, we are of the view that no further order is required to be passed in this writ petition (PIL). However, it is expected that the State Government shall take appropriate steps for implementation of the recommendations made in the enquiry report expeditiously, strictly in accordance with law.

With these observations, this writ petition (PIL) is disposed of.

JUDGE

CHIEF JUSTICE

Comparing Assistant