

GAHC010009152024



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

Case No. : WP(C)/209/2024

NAFIFA NASREEN
D/O- MD. SAMNUR ALI, RESIDENT OF VILLAGE AND P.O.
MARUACHOWKI, P.S. SIPAJHAR, DIST.- DARRANG- 784145, ASSAM

VERSUS

THE STATE OF ASSAM AND 10 ORS
REPRESENTED BY CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM,
ASSAM SECRETARIAT, DISPUR, GUWAHATI, ASSAM- 781006

2:THE STATE OF ASSAM
REPRESENTED BY COMMISSIONER AND SECRETARY
DEPARTMENT OF HIGHER EDUCATION
ASSAM SECRETARIAT
DISPUR
GUWAHATI
ASSAM- 781006

3:DIRECTOR OF HIGHER EDUCATION
KAHILIPARA MAIN ROAD
GUWAHATI
781019
ASSAM

4:THE VICE CHANCELLOR
GAUHATI UNIVERSITY GOPINATH BORDOLOI NAGAR JALUKBARI
GUWAHATI
781014
ASSAM

5:THE REGISTRAR
GAUHATI UNIVERSITY GOPINATH BORDOLOI NAGAR JALUKBARI

GUWAHATI
781014
ASSAM

6:THE CONTROLLER OF EXAMINATION
GAUhati UNIVERSITY GOPINATH BORDOLOI NAGAR JALUKBARI
GUWAHATI
781014
ASSAM

7:PRINCIPAL
JNANADABHIRAM BAROOAH LAW COLLEGE
CHANDMARI
GUWAHATI
781003
ASSAM

8:VICE PRINCIPAL
JNANADABHIRAM BAROOAH LAW COLLEGE
CHANDMARI
GUWAHATI
781003
ASSAM

9:ACADEMIC COMMITTEE
JNANADABHIRAM BAROOAH LAW COLLEGE
CHANDMARI
GUWAHATI
781003
ASSAM

10:EXAMINATION COMMITTEE
JNANADABHIRAM BAROOAH LAW COLLEGE
CHANDMARI
GUWAHATI
781003
ASSAM

11:DR. RUMA BORDOLOI
FORMER PRINCIPAL NEF LAW COLLEGE GUWAHATI
ASSA

Advocate for the Petitioner : MR P R SARMA
Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 25.01.2024

The petitioner in the present proceeding, has raised a grievance with regard to the action on the part of the college authorities of J.B. Law College in not permitting her to appear in the practical examination for 10th Semester examination held on 19th August, 2023. The petitioner was permitted to appear in the said examination by the Controller of Examination, Gauhati University, vide an endorsement made by him in the representation of the petitioner on 16.03.2023. The petitioner, thereafter, faced with such situation although with some delay, had approached this Court, raising a grievance with regard to the said action on the part of the college authorities of J.B. Law College.

Mr. P. J. Phukan, learned standing counsel, Gauhati University, had on 12.01.2024, undertook to receive instruction in the matter and to place the same on record. Accordingly, the matter was directed to be listed today.

Today, when the matter was listed today, Mr. Phukan, learned standing counsel, Gauhati University, has brought on record, a communication dated 19.08.2023, issued by the Controller of Examination, Gauhati University, to the Principal, J.B. Law College, wherein, it has been contended that the permission granted to the petitioner on 16.03.2023, was cancelled. The contents of the said communication being relevant to the purpose of the present matter, the same is extracted hereinbelow:

“It has come to the notice of the Office of the Controller of Examinations, a permission was granted to appear in the practical exams specially in the ensuing examination of 2023(Aug), due to oversight of the enrollment year of the candidate which was 2010. The maximum time period allowed for the course was expired in the year 2018 as per regulation of the course. The candidate did not submitted any record along with the application for special permission. She cannot be allowed to appear in the examination. It is to be treated as the earlier order dt. 16/03/2023 is hereby cancelled.”

The case of the petitioner being solely based on the directions as contained in the endorsement of the Controller of Examinations, Gauhati University, dated 16.03.2023, and the said permission as granted by the said endorsement having been cancelled by the same authority, the present petition is not maintainable and requires to be dismissed. Accordingly, the writ petition stands dismissed. However, liberty is granted to the petitioner to assail the communication, dated 19.08.2023, if so permissible under law.

The copy of the communication, dated 19.08.2023, as produced by Mr. Phukan, learned standing counsel, Gauhati University, shall be kept as a part of the record and marked as 'X' for identification.

JUDGE

Comparing Assistant