GAHC010124982024

2026:GAU-AS:16874

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

Case No. : WP(C)/3242/2024

DR NANDITA PAUL
DAUGHTER OF LATE BINANDA PAUL,
VILL. AND P.O.- KABUGANJ,
DIST.- CACHAR, ASSAM,
PIN- 788121.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE SECRETARY AND COMMISSIONER TO THE GOVERNMENT OF ASSAM,
EDUCATION (HIGHER) DEPARTMENT,
DISPUR, GUWAHATI-781006.

2:THE DIRECTOR OF HIGHER EDUCATION
ASSAM
KAHILIPARA
GUWAHATI
PIN- 781019.

3:THE DEPUTY DIRECTOR OF HIGHER EDUCATION
ASSAM
KAHILIPARA
GUWAHATI
PIN- 781019.

4:THE PRINCIPAL
GURU CHARAN COLLEGE
SILCHAR
P.O.- SILCHAR
DIST.- CACHAR

ASSAM
PIN- 788004

BEFORE

HON'BLE MR. JUSTICE RAJESH MAZUMDAR

Advocate for the petitioner : MR S NATH, DR G J SHARMA

Advocate for the respondents : SC, HIGHER EDU,

: MR S DUTTA (r-4),

: MS S MOCHAHARI (r-4)

Date on which judgment was reserved: **03.11.2026**

Date of pronouncement of judgment : **17.11.2026**

Whether the pronouncement is of the operative part of the judgment? : **NA**

Whether the full judgment has been pronounced? : **Yes**

JUDGMENT AND ORDER (CAV)

Heard Mr. S. Nath, learned counsel appearing for the petitioner. Also heard Mr. S. Dutta, learned Senior Counsel, assisted by Mr. S. Dutta, learned counsel for the respondent No. 4 and Mr. A.R. Tahbildar, learned Standing Counsel, Higher Education Department. Hearing was concluded on 03.11.2026, and the judgment was reserved.

2. The petitioner has filed this writ petition invoking the extraordinary

jurisdiction of the Court under Article 226 of the Constitution of India, being aggrieved by the cancellation of the selection process for the post of Assistant Professor in Bengali in the Gurucharan College, Silchar, which was held pursuant to the advertisement dated 07.08.2016. It is the case of the petitioner that she had participated in the selection process conducted by the respondent authorities, and had been recommended by the selection committee for appointment. It is her further case that the cancellation of the selection process for the post for which she had vied is wholly irrational and illegal, as are the consequential orders requiring the initiation of a fresh selection process for the post in issue. The petitioner prays for directions to the respondents to bring the selection process for the post of Assistant Professor in Bengali in the Gurucharan College, Silchar, which was held pursuant to the advertisement dated 07.08.2016, to its logical conclusion by appointing the petitioner on the basis of her selection.

Facts which are not in dispute:

I. The Principal, Gurucharan College, Silchar, had published an advertisement calling for applications for the post of Assistant Professor in the subjects of History, English, Sanskrit, Botany and Bengali. The advertisement laid down the general qualifications and eligibility conditions required to be fulfilled by a candidate, and it was also stipulated that the applications had to reach the concerned authority within 15 days of publication of the advertisement. It

was further clarified in the advertisement that the selection would be conducted in accordance with the guidelines given in relevant office memorandums. It is not the case of any of the parties that any of the guidelines had been violated in conducting the selection process with regard to the post of Assistant Professor, Bengali in the college concerned.

II. As per the records of the proceedings of the Selection Committee, 17 candidates had filed applications with regard to the post of Assistant Professor in Bengali and out of them, 8 candidates, including the petitioner, were found to be eligible for being called for document verification and to face the interview in accordance with the guidelines laid down by the appropriate authority. Accordingly, all eligible and qualified 08 candidates had been called to appear in the selection proceedings. The learned Senior Counsel appearing for the College authorities has caused production of the records of the selection proceedings, which also contain the postal receipts of the call letters to the candidates who were found eligible and qualified to participate in the selection process.

III. The petitioner appeared for the document verification process and for the interview before the Selection Committee on 17.11.2022 as directed by the call letter. It is the assertion of the petitioner and the Selection Committee as well that the petitioner had been found fit and qualified for the post in issue and accordingly her name had been forwarded to the

Director of Higher Education, Assam, through the Governing Body of the college, for further necessary action. The respondents in the Department of Higher Education do not dispute the assertions.

IV. On 30.5.2023, the Director of Higher Education, Assam issued a list containing the details of the candidates, along with reasons, whose appointments were kept pending despite their selection. The list also contained the name of the petitioner, where the reason for keeping her case pending was shown to be the receipt of a complaint, which the Hon'ble Minister had recommended to be investigated.

V. The Director of Higher Education, Assam, thereafter, on 12.12.2023, published the list of candidates approved for appointment to various provincialised College/PDUAM and Government Medical Colleges. The list did not contain the name of the petitioner, and she preferred representations. In the course of time, two other candidates who were selected for the post of Assistant Professors in the same college and whose approval was shown to be pending in the list published on 30.5.2023, were appointed.

VI. By communication dated 27.12.2023, the Director of Higher Education, Assam, permitted the Principal of the College to re-advertise the post of Assistant Professor in Bengali, reserved for OBC/MOBC candidates at Roster

point 91, which was the post for which the petitioner had offered her candidature. This information was disseminated to the petitioner by the Principal of the College by forwarding a communication dated 30.5.2024 issued by the Deputy Director of Higher Education, Assam, requiring the Principal of the College to inform the petitioner that such permission had been granted since only a single candidate had appeared in the interview. The petitioner filed the present writ petition challenging the cancellation of the process in which she had participated and also challenging the insistence on a fresh selection process.

Submissions on behalf of petitioners:

3. The learned counsel for the petitioner, Mr. S. Nath, has submitted that the respondents in the Directorate of Higher Education had resorted to cancellation of the selection process undergone by the petitioner only on the ground that the petitioner was the lone candidate who had appeared before the interview board and there were no other reasons assigned. He has submitted that the documents made available by the respondents would indicate that a complaint had been made and the Hon'ble Minister, Education had made an endorsement for an enquiry on the complaint. The learned counsel has submitted that the petitioner had not been supplied with the complaint, if any. Therefore, she never had the opportunity to be heard before the decision to cancel the selection process was taken to her detriment. The learned counsel has submitted that

there were no allegations levelled from any quarter whatsoever regarding any irregularities or illegalities in the selection process, and the only reason given by the respondents is that she was the lone candidate who had appeared in the interview, despite call letters having been sent to all the eligible candidates. It is not even the case of the respondents that the petitioner did not have the eligibility or did not have the qualifications required for appointment to the post. There is no doubt that the petitioner had qualified the interview and was fit for appointment. The proposal of the selection committee, which had forwarded her name for appointment, stands testimony to the said fact. The learned counsel has submitted that the petitioner cannot be held responsible in any manner whatsoever if the other candidates abstained from participating in the interview process, more so since it is a matter of record that the College authorities had sent call letters to all eligible candidates. He has submitted that when no irregularities and illegalities had been alleged regarding the selection process, the decision of the respondents to cancel the selection process is without rhyme or reason. He has submitted that the decision of the respondents to venture for a fresh selection process, when the selection committee had lawfully and legally selected a candidate, deserves the interference of this Court. He has prayed that the respondents be directed to bring the selection process, where the petitioner stood selected, to its logical conclusion by appointing the petitioner to the post of Assistant Professor in the Department of Bengali in the Gurucharan College, Silchar.

4. Mr. S. Dutta, learned senior counsel appearing for the college authorities who had conducted the selection process, has submitted that, as per available records, the applications which had been received in response to the advertisement dated 07.08.2016 were duly scrutinised and the eligible candidates, being 8 in number, were issued call letters at the addresses given by them to attend the further proceedings of document verification and interview in continuation of the selection process undertaken. He has submitted that only the petitioner had reported for the document verification and interview process, and she was not only found eligible and qualified for the post, but she was also recommended for appointment on the basis of her performance in the interview. He has submitted that the college authorities did not receive any complaints of irregularity, illegality, or malpractice with regard to the selection process. He has also submitted that the selection committee had followed the due procedure while conducting the selection.

5. Mr. A.R.Tahbildar, learned counsel appearing for the Department of Higher Education, has submitted that he has received the records and, as per the same, a complaint had been received regarding the presence of only one candidate in the selection process and her subsequent selection. He has submitted that since only one candidate had participated, the Director of Higher Education, Assam, was of the opinion that the selection process lacked healthy competition and a re-advertisement was therefore issued to ensure the essential

element of a fair recruitment process in public employment. He has submitted that no fault can be attributed to the decision to initiate a fresh selection process and therefore, the writ petition, being devoid of merits, merits dismissal.

6. I have heard the learned counsel for the contesting parties, and I have perused the records produced by the College authorities and also the records produced by the learned counsel appearing for the Department of Higher Education. There is no dispute of the fact that the advertisement had been duly published by the Principal of Gurucharan College, Silchar, calling for applications for the posts of Assistant Professor in the Department of Bengali, which post, as per the advertisement itself, related to roster point No. 91 and was reserved for candidates belonging to the Other Backward Classes/ More Other Backward Classes (OBC/MOBC) categories. 17 (seventeen) applications had been received by the college authorities from candidates for the aforesaid posts, and there is no dispute that all the qualified and eligible candidates had been issued call letters to appear in the document verification and interview process.

7. There is a variation in the number of applications stated to be received for the post of Assistant Professor in the Department of Bengali in the college, inasmuch as while the Director of Higher Education has referred to 37 applications being received, out of which 7 (seven) candidates had been called for interview, the college authority has asserted there were 17 (seventeen)

applications received out of which 8 (eight) candidates had been called for interview.

8. We would trust the statements made by the college authorities, since the records regarding applications and call letters are retained at the college level and the number of applications received, vis-a-vis the number of candidates called for, as given in the affidavit of the Director of Higher Education may have been a typographical error.

9. In any view of the matter, at least 7 (seven) candidates were issued call letters for the interview by the selection committee and only the petitioner had appeared on the particular date.

10. The Director of Higher Education, Assam, in the affidavit has not alleged any illegality or irregularity in the selection process. He has referred only to the absence of "healthy competition" since only the petitioner appeared for the interview and none else appeared. It is not the case of the respondents in the Higher Education Department that eligible candidates were not called for or that any leniency was shown towards the present writ petitioner during the interview process.

11. In my considered opinion, when candidates who have applied for a particular post do not appear in the interview process, despite being called upon

to do so, the candidates who appear in the interview and are evaluated cannot be faulted for the absence of other candidates. It would have been another matter had there been any allegations that no other eligible candidate had been called for the interview. The admitted position in the present case is that all eligible candidates were called for the interview, out of whom the petitioner faced the interview process on the designated date and the selection committee, on the basis of her qualifications and on her fulfilling the other conditions, found her fit to be appointed as an Assistant Professor in the Department of Bengali, in Gurucharan College, Silchar.

12. The absence of healthy competition, as sought to be asserted by the Director of Higher Education, would have been taken up for consideration, had there been a complete absence of applications by candidates or the call letters were not dispatched to eligible and qualified candidates. In the present case, not only have eligible and qualified candidates responded to the advertisement, but they were also intimated and required to appear in the interview process.

13. In my considered opinion, the petitioner cannot be penalized with a cancellation of an interview process, which she diligently faced, only on the ground that other candidates preferred not to appear on the due date of the selection process.

14. Accordingly, the decision of the Director of Higher Education requires an

interference. I hasten to add that the bonafide intent of the Director of Higher Education, Assam, to ensure a healthy competition deserves appreciation. However, in the facts and circumstances of the present case, when the eligibility and qualifications of the petitioner are not an issue, and the only reason is the absence of other candidates despite being informed of the date of interview, it would be unfair and against equity to deny the petitioner a fair chance of consideration for the post for which she had applied and participated in the interview. As already noted above, the selection committee has found the petitioner fit for appointment.

15. In view of the observations made hereinabove, the proposal of the selection committee to offer appointment to the petitioner deserves to be taken to its logical conclusion, without reference to the absence of candidates who had chosen not to participate in the selection process.

16. The writ petition is accordingly allowed. The directions issued by the Director of Higher Education to the college authorities to proceed with a fresh re-advertisement for the post are interfered with in the given facts and circumstances of the case.

17. The Director of Higher Education, Assam, shall now process the proposal sent by the Selection Committee through minutes of the meeting dated 17.11.2022, in accordance with law. The minutes had admittedly been

processed and forwarded by the Governing Body of the Gurucharan College, Silchar, by forwarding the same to the Director of Higher Education, Assam. The final approval by all the respondents concerned, in the absence of any impediment in the appointment of the petitioner, shall be granted within a period of 4 (four) weeks from the date of receipt of a certified copy of this order. In case there is any impediment in the appointment of the petitioner, the same shall be brought to her notice within a period of 4 weeks from the date of receipt of the certified copy of this order, and the petitioner shall be afforded due opportunity to rectify the same.

18. The Writ Petition is accordingly allowed. Parties to bear their own costs.

JUDGE

Comparing Assistant