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Page No.# 1/3

GAHC010207892022



Application No.	Application Received on	Date on which copy was made ready	Fees paid (Rs.)	Posting date to Delivery Desk
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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/6714/2022

RONIA PARBIN
W/O- MDEWAN HUMALUN HASSAN,
R/O- VILLAGE AND P.O- SUKMANAH,
P.S- PATACHARKUCHI,
DIST- BAJALI, ASSAM, PIN-781316.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, EDUCATION (HGHET) DEPARTMENT, DISPUR GUWAHATI
781006

2:THE BODOLAND TERRITORIAL COUNCIL (BTC)
REP. BY ITS PRINCIPAL SECRETARY (BTC)
KOKRAJHAR
PIN- 783370.

3:THE DIRECTOR OF EDUCATION

BODOLAND TERRITORIAL COUNCIL (BTC)
ASSAM

KOKRAJHAR
PIN- 783370.

4:THE GOVERNING BODY OF TANGLA COLLEGE
TANGLA

P.O- TANGLA
DIST- UDALGURI
BTAD

ASSAM
PIN-784521

5:THE PRINCIPAL OF TANGLA COLLEGE
TANGLA.

P.O- TANGLA
DIST- UDALGURI
BTAD
ASSAM
PIN-78452

Advocate for the Petitioner : MR. P MAHANTA

Advocate for the Respondent : SC, BTC

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : **21.10.2022**

Heard Mr. P.Mahanta, learned counsel for the petitioner. Also heard Mr. K. Gogoi, learned standing counsel, Higher Education for respondent No.1 and Mr. P.Choudhury, learned standing counsel, BTC for respondent Nos. 2 and 3.

2. Pursuant to an advertisement dated 21.08.2019, issued by the Secretary/Principal of Tangla College, Tangla, petitioner applied for the post of Assistant Professor in Education (UR). Accordingly, petitioner was served with the call letter for facing the interview on 20.05.2022 and accordingly, petitioner appeared before the Selection Committee on the fixed date. It is the case of the petitioner that she was verbally informed that the Selection Committee had recommended her case. Petitioner accordingly was expecting for her appointment to the post of Assistant Professor in the Department of Education (UR). However, it is more than 5(five) months after the Selection Committee



made their recommendation that the result is yet to be declared till date.

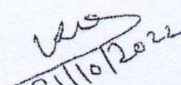
3. The learned counsel for the petitioner also submits that the criteria for the selection and appointment of Assistant Professor in a provincialised college is provided under Section 6 of the Assam College Employees (Provincialisation) Act, 2005 and also Rules 5 and 7 (a) of the Assam College Employees (Provincialisation) Rules, 2010. As such, the Governing Body cannot remain indifferent to the recommendation made by the Selection Committee and they have a duty to perform so that the entire selection process is brought to a logical conclusion.


4. Accordingly, considering the submission made by the learned counsel for the petitioner as well as learned standing counsel, Higher Education, this writ petition is disposed of with a direction to the respondent Nos. 4 and 5 to act upon the recommendation made by the Selection Committee and thereafter, place the matter before the Director of Education, Kokrajhar, BTC, respondent No.3 within a period of 1(one) month from the date of receipt of a copy of the order of this Court.

5. With the above observations and directions, writ petition is disposed of.

20/9/2022

Yours faithfully Sd/- Lanesungkum Jamir
JUDGE


21/10/2022
Comparing Assistant


21/10/22

-15

Typed Copy

ANNEXURE-

2

To,

The Principal, Tangla College, Tangla

Dated 31/10/2022

Sub – Regarding Guwahati high Court order No. W.P ©
6714/2022.

Sir,

With most respectfully I beg to lay before you that following few lines for favor of kind consideration and sympathetic action. I Ronia Parbin advertisement No. CD/SV/P/SP002137/1 dated 21/8/2019 for the post of assistant professor in the department of Education of tangla college was publish in the Assam tribune dated 21/8/2019. In response to the interview cum selection board took interview who were selected me for the post on 20/5/2022.

Yours faithfully

Ronia parbin

7002311276

Vill & P.o – sukmonoh

Dist – Bajali, Assam, 781316

Annex-2

Date-31-10-2022

-16-

76

Principal Tangla College, Tangla

Sub:- Regarding Guwahati High Court order

No-WP(C)/6714/2022

Sir,

with most respectfully I beg to lay before you that following few lines for favour of kind consideration and sympathetic Action I Ronia Parbin advertisement No CD/SV/P/SP002137/4 dated 2/6/2019 for the post of Assistant professor in the department of Education of Tangla College was published in the Assam Tribune dated 21-08-2019. In response to the interview cum-Selection Board took interview who were selected me for the post on 20-5-2022

Your faithfully

Ronia Parbin

7009311276
Villipor Sukmonoh Dist

Bojali Assam 781316

Received
Acvt
31/10/22

Dr. Anjali Chakravarty, M.Sc., Ph.D.
Vice-Principal,
Tangla College, Tangla



IN THE GAUHATI HIGH COURT
[HIGH COURT OF ASSAM :: NAGALAND :: MIZORAM AND ARUNACHAL PRADESH]
(CIVIL EXTRA ORDINARY JURISDICTION)

MEMO NO. HC.XLVII/ 2061-2062 /Cont. DATED 30/8/23

Cont.Cas(C) No. 513/2023

IN THE MATTER OF: An application under section 11 AND 12 of the Contempt of Court's Act, 1971.

-AND-

IN THE MATTER OF: Wilful disobedience of order dated 21.10.2022.
Passed by this Court in WP(C) no.6714/2022.

RONIA PARBIN

...Petitioner(s)

- Versus -

1. DILIP KUMAR BORO
PRESIDENT, GOVERNING BODY OF TANGLA COLLEGE, TANGLA, P.O.-TANGLA, DIST-
UDALGURI, BTAD, ASSAM, PIN-784521
2. DR. PRASEN DAIMARI
PRINCIPAL OF TANGLA COLLEGE, TANGLA, P.O.-TANGLA, DIST-UDALGURI, BTAD,
ASSAM, PIN-784521

...Contemnor(s)/Respondents

To,

Contemnor No. 2

Take notice that an application (a copy whereof with a copy of this Court's order annexed hereto) has been made to this Court by the above named petitioner and that you are hereby called upon to show cause on or before 6 (six) weeks as to why a contempt proceeding shall not be initiated against you as ordered by the Hon'ble Court.

The case is fixed on:

By Order

for 30/8/23
Registrar (Contempt)
Gauhati High Court, Guwahati
30/8/23

AHC010187052023



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

Case No. : Cont.Cas(C)/513/2023

RONIA PARBIN
W/O DEWAN HUMAIN HASSAN, R/O VILL AND P.O.-SUKMANAH,
P.S.-PATACHARKUCHI, DIST- BAJALI, ASSAM, PIN-781316
..... PETITIONER (S)

VERSUS

DILIP KUMAR BORO AND ANR RESPONDENT (S)

Advocate for the Petitioner : MR. P MAHANTA
Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

ORDER

28.08.2023

Heard Ms. M Das, learned counsel for the petitioner.

Issue notice to the respondent contemnors returnable in six weeks.

Steps be taken by registered post with A/D cards within three days.

List the matter after six weeks.

SD/- ACHINTYA MALLA BUJOR BARUA
JUDGE

TRUE COPY

Administrative Officer (Judl.)
Contempt & ROS Section
Gauhati High Court
Guwahati

30/8/23

Filed on - 21/8/2023

DISTRICT – BAJALI

IN THE GAUHATI HIGH COURT
(THE HIGH COURT OF ASSAM, NAGALAND,
MIZORAM, ARUNACHAL PRADESH)
(CIVIL CONTEMPT JURISDICTION)

CONTEMPT CASE (C) NO. 513.. /2023

Ronia Parbin

.....Petitioner

-Vs-

Dilip Kumar Boro & another

.....Respondents

INDEX

Sl No.	ANNEXURE	Particulars	Page No.
1		Petition & Affidavit	1-11
2	ANNEXURE – 1	The copy of the order dated 21/10/2022 passed in W.P (C) no. 6714/2022	12-14
3	ANNEXURE- 2	The copy of the forwarding dated 31/10/2022	15-16
4	ANNEXURE- 3 & 4	The copy of the RTI reply dated 8/12/2022 and the extraxct of the GB resulataion	17-18

Filed by

Papumoni saharia, advocate

DISTRICT – BAJALI

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

(CIVIL CONTEMPT JURISDICTION)

CONTEMPT CASE (C) NO. 513/2023

Matter -

Category/code-

Bench –

TO,

The Hon'ble Mr. Justice Sandeep Mehta, the Chief Justice of the Hon'ble Gauhati High Court and his lordships other companion justices of the said court.

IN THE MATTER OF

An application under section 11 and 12 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India and the Hon'ble Gauhati High court (contempt of Court) Rules, 1997.

-AND -

IN THE MATTER OF

Wilful violation and disobedience of the judgement dated 21/10/2022 passed by the Hon'ble Mr. justice L.S Jamir In W.P (C) No. 6714/2022 (Annexure – 1 page -12..to..14.).

-AND-

IN THE MATTER OF

Ronia Parbin, age – 31 years
W/O – Dewan Humaiun Hassan,
R/O – Village & P.O – Sukmanah,
P.S – Patacharkuchi, District – Bajali,
Assam, Pin – 781316.

..... Petitioner

-Vs-

1. Dillip Kumar Boro, Presidnet, Governing Body of Tangla College, Tangla, P.O – Tangla, District – Udalguri, B.T.A.D, Assam, Pin – 784521.
2. Dr. Prasen Daimari, Principal of Tangla College, Tangla, P.O – Tangla, District – Udalguri, B.T.A.D, Assam, Pin – 784521.

.....Contemnor/Respondent

The humble petition of the petitioner above named –

MOST RESPECTFULLY SHEWETH -

1. That, the petitioner is citizen of India and permanent resident of the abovementioned locality and as such she is entitled to all rights, privileges and protections as guaranteed to the citizens under the constitution of India or any other statutory rights of the land force in nature.
2. That, in pursuance of an advertisement issued by the respondent no. 5 published in the English Esteem daily "The Assam Tribune" on 21/8/2019 for filling up 1 sanction post of assistant professor in Education Department (UR), the respondent no. 5 after receiving the Bio-data of the petitioner, vide letter dated 12/5/2022 directed the petitioner to appear before the selection committee held on 20/5/2022 for filling up the said one post of assistant professor in education and accordingly, the petitioner appeared before the selection committee held on 20/5/2022 and did best amongst all the 7 candidates appeared before the interview. After the interview, the college authority verbally informed that the petitioner's name was recommended for filling up the said post on the basis of her documents verification and academic report. The petitioner is expecting her appointment in the said post after the selection process but, the

respondent No. 4 neither take any initiative to forward the selection and recommendation of the selection committee held on 20/5/2022 nor take any resolution for forwarding the same to the Director of Education, BTC, Assam for completing the selection process and thereby causing delay the selection process without any reasons violating the provisions of Rule 7 of the Assam college employees (provincialisation) Rule, 2010 as well as section 6 of the Assam college employees (provincialisation) Act, 2005. For which, the petitioner approached before this Hon'ble court with a Writ petition being W.P © No. 6714/2022 with a prayer and for a direction directing the Governing Body of the Tangla College, Tangla, Udalguri, B.T.A.D, Assam, to complete the section processes by taking a resolution on the selection and recommendation of the selection committee held on 20/5/2022 and for a direction directing the GB of the college to forward the said resolution to the Director of Education BTC, Assam for his approval and necessary action.

3. That, the Hon'ble court while took up the matter being satisfied with the grounds taken in the writ petitions vide order dated 21/10/2022 disposed of the writ petition with a direction to the Respondent/contemnors No. 1 & 2 to act upon the recommendation made by the selection committee

and thereafter place the matter before the Director of Education, Kokrajhar, BTC within a period of 1 months from the date of receipt of a certified copy of the order.

The copy of the order dated 21/10/2022 passed in W.P (C) no. 6714/2022 is annexed herewith as

ANNEXURE -1.

- 4: That, after passing of the said order, the humble petitioners applied for the certified copy of the order on 21/10/2022 which she received on the same date.
5. That, after receiving the said certified copy of the order dated 21/10/2022, the petitioner submitted the same before the Principal i.e contemnor no. 2 along with a forwarding dated 31/10/2022 so that the respondent No. 1 & 2 immediately act upon the recommendation made by the selection committee and place the matter before the Director of Education, BTC, Assam for his necessary approval. It is pertinent to be mentioned herein that, the respondent No. 2 duly received the said certified copy of the order along with the forwarding submitted by the petitioner on the same date by putting his seal and signature.

The copy of the forwarding dated 31/10/2022 is annexed herewith as **ANNEXURE -2.**

6. That, the petitioner begs to state that, while no action was taken by the contemnor, the petitioner no way left in hand submitted a RTI application before the Contemnor No. 2 with a request to provide the information regarding the interview for the post of Assistant professor in Education which was held on 20/5/2022 and on received of the said RTI application the respondent no. 2 vide his letter being reference No. TC/Interview/RTI/2022/3073(A) dated 8/12/2022 furnished the A.P.I of all the candidates, consolidated statement prepared by the experts and one GB resolution to the petitioner and when the petitioner gone through the said GB resolution, she came to know that the GB has taken the said resolution in its meeting held on 18/7/2022 (i.e. prior to passing the judgement and order dated 21/10/2022) by which the GB decided not to approve the recommendation of the selection board in regards to the selection and appointment of the post of assistant professor, education (Open) as the GB has founded some mismatch or discrepancies in the totalling of the individual score sheets as well as consolidated statement of some members of the

interview boards and thereby the GB resolved to authorise the principal of the college to rectify both the score sheets and signed by each of the members of the interview boards before forwarding the proposal to the Director of Education, BTC for his approval and appointment.

The copy of the RTI reply dated 8/12/2022 along the GB resolution dated 18/7/2022 are annexed herewith as **ANNEXURE -3 & 4 .**

7. That, the petitioner begs to state that, the GB resolution which was provided to her was adopted in the meeting held under the chairmanship of the contemnor no. 1 on 18/7/2022 which is much prior to the judgement and order dated 21/10/2022 passed by this Hon'ble court in W.P © no. 6714/2022 and after receiving the certified copy of the judgement and order dated 21/10/2022, the respondent No. 1 & 2 should have immediately rectify the discrepancies in the totalling of the individual score sheets as well as consolidated statements of some members of the interview board regarding selection and appointment of the post of assistant professor in Education (Open), but in spite of duly receiving the certified copy of the order passed by this Hon'ble court by the contemnor no. 2 on 31/10/2022, it is now more

than 10 months elapsed, the respondent no. 1 & 2 did not taken any action to rectify those discrepancies and approve the recommendation of the selection boards in regards to the selection and appointment of the post of assistant professor against the duly advertised sanction permanent post of Education (Open) in pursuance to the advertisement dated 21/8/2019 and forwarding the same to the Director of Education, Kokrajhar, BTC and thereby violating the Hon'ble court's order dated 21/10/2022 passed by this Hon'ble court in W.P © No. 6714/2022 by which direction was given to the Respondent/contemnors No. 1 & 2 to act upon the recommendation made by the selection committee and thereafter place the matter before the Director of Education, Kokrajhar, BTC within a period of 1 months from the date of receipt of a certified copy of the order.

8. That, the Hon'ble court after hearing the grievances of the petitioner, disposed of the writ petition with a direction to the Respondent/contemnors No. 1 & 2 to act upon the recommendation made by the selection committee and thereafter place the matter before the Director of Education, Kokrajhar, BTC within a period of 1 months from the date of receipt of a certified copy of the order. but inspite of

submitting the certified copy of the said order by the petitioner before the contemnor, the contemnor did not comply the order, which is intentional and wilful disobedience of the Hon'ble court's order dated 21/10/2022 and thereby committed an offence under section 12 of the contempt of Courts Act read with Article 215 of the Constitution of India read with Gauhati High Court (Contempt of Court) Rules, 1997 for which the contemnors are liable to be punished for intentional and wilful violation of the order dated 10/5/2022 passed in the W.P.(C) No. 4262/2014 and exemplary punishment may be imposed upon him so that no officers will dare to violate the Hon'ble Court's order in future.

9. That, this petition has been filed for bonafide and for the ends of justice.

In these premises aforesaid, it is therefore prayed that your lordships may graciously be pleased to admit this petition, call for the records, issue notices upon the contemnor/ respondent to show cause as to why, the contemnor should not be punished for wilful and intentional disobedience of the

Hon'ble Court's order dated 21/10/2022 passed in the W.P(C) No. 6714/2022.

And after entering of the parties cause and causes being hereby solemnly affirmed

1. That I am the petitioner in the above mentioned case and I am full aware of the facts and circumstances of the case and I hereby solemnly affirm and swear in this affidavit that the facts and circumstances of the case as stated in the petition are true and correct and I have no other cause or defence to show and upon hearing all the parties your lordships may be pleased to pass such other order/orders to punish the contemnors in accordance with law and/or pass such other order/orders as your lordships may deem fit and proper.

And for act of kindness, the petitioner as in your duty bound shall ever pray.

I Swear that this declaration is true, that it conceals nothing and that no part of it is false, so help me god.

And I sign this affidavit on this _____ day of August, 2023 at Guwahati.

Identified by _____

Advocate

AFFIDAVIT

I, Ronia Parbin, age – 30 years, W/O – Dewan Humaiun Hassan, R/O – Village & P.O – Sukmanah, P.S – Patacharkuchi, District – Bajali, Assam, Pin – 781316 do hereby solemnly affirm and state as follows :

1. That I am the petitioner in the instant case and as such I am fully conversant with the facts and circumstances of the case and being competent to swear in this affidavit.

2. That the statements made in this affidavit in para...1, 2, 4, 7, 8.....are true to best my knowledge, belief and the statements made in para.....3, 5, 6.....being matter of records are true to my information derived from the records which I belief to be true and the rest are my humble submissions before this Hon'ble court.

-OATH -

I Swear that this declaration is true, that it conceals nothing and that no part of its false, so help me god.

And I sign this affidavit on thisday of August, 2023 at Guwahati.

Identified by

Advocate