

GAHC010008342014



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

Case No. : WP(C)/1955/2014

DR. SAMIRA BEHERA and 61 ORS
S/O LT. NARAHARI BEHERA, ASSISTANT PROFESSOR, ASSAM
UNIVERSITY, SILCHAR R/O QUARTER NO. LE-3, ASSAM UNIVERSITY
CAMPUS, SILCHAR.

2: DR. SUDIPTO SARKAR
SON OF SHRI RAM GOPAL SARKAR
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF QUARTER NO. LG -03
ASSAM UNIVERSITY CAMPUS
SILCHAR.

3: SHRI ARNAB PAUL

SON OF LT. DR. ASHUTOSH PAUL
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF BELTOLA
MEHERPUR
SILCHAR - 15.

4: DR. JAYDEEP CHAKRABARTY
SON OF SHRI JAYANTA KUMAR CHAKRABARTY
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF QUARTER NO. LD - 4
ASSAM UNIVERSITY CAMPUS
SILCHAR.

5: SHRI AJOY KUMAR KHAN
SON OF SHRI PARESH CHANDRA KHAN
ASSISTANT PROFESSOR
ASSAM UNIVERSITY

SILCHAR RESIDENT OF MODON MOHAN PARK LANE RANGIRKHARI
SILCHAR.

6: SHRI AVINASH KUMAR

SON OF SHRI KRISHNA PRASAD YADAV
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF HOUSE NO. 37
LANE NO. 1
FIRST LINK ROAD
SILCHAR.

7: SHRI CHETAN KHOBRADE

SON OF SHRI BALIRAM TULSIRAM KHOBRADE
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF HOUSE NO. 27
LANE 1
FIRST LINK
SILCHAR.

8: SHRI PAUTHANG HAOKIP

SON OF SHRI HOJAHEN HAOKIP
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF QUARTER NO. LE - 1
ASSAM UNIVERSITY CAMPUS
SILCHAR.

9: SHRI BRAJESH KUMAR

SON OF SHRI NARESH NATH MISHRA ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF DEEP APARTMENT
L.B. ROAD
SILCHAR.

10: SHRI SOMADITYA DATTA

SON OF MR. SUBRATA DATTA ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF HOUSE NO. 7
WARD NO. - 17
KAZI NAZRUL SARANI
SILCHAR.

11: SHRI SILAJIT GUHA

SON OF SHRI NITISH CHANDRA GUHA
ASSISTANT PROFESSOR

ASSAM UNIVERSITY
SILCHAR RESIDENT OF LOKNATH APARTMENT
1ST LINK ROAD
SILCHAR.

12: SHRI NIL RATAN ROY
SON OF SHRI RAM CHARAN ROY ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF KUMARPARA
MEHERPUR
J.T. LANE
SILCHAR.

13: SHRI RITWIK MAZUMDAR
SON OF SHRI PRABHAT KUMAR MAZUMDAR
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF FLAT NO. 2
3RD FLOOR
KUMTILA APARTMENT
AMBICAPATTY
ADHARCHAND ROAD
SILCHAR.

14: SHRI LALZO S. THANGJOM
SON OF SHRI T.S. TANGJOM
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF HOUSE NO. 14
KAZI NAZRUL SARANI
MEHERPUR
SILCHAR.

15: SHRI TARUN BIKASH SUKAI
SON OF SHRI NIRANJAN SUKAI ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF PUSPABEHAR LANE
MEHERPUR
SILCHAR.

16: MR. SOURISH DHAR
SON OF SHRI RAJSEKHAR DHAR ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF TARANI ROAD
RANGIRKHANI
SILCHAR.

17: DR. DEVASHISH SENGUPTA

SON OF SHRI SOMNATH SENGUPTA ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF 1ST FLOOR
DHUP CHAYA APARTMENT
BANIPAVA CLUB ROAD
SILCHAR.

18: SHRI BARUNJYOTI CHOUDHURY
SON OF SHRI BISWAJET CHOUDHURY
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF HOUSE NO. 10
LANE NO. 4
1ST LINK ROAD
SILCHAR.

19: SHRI ARJUNDEB SEN SARMA
SON OF LT. KANTI DEB ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR
RESIDENT OF K.C. DAS ROAD
WEST SILCHAR
SILCHAR.

20: SHRI UTPAL SARKAR
SON OF SHRI RABINDRA NATH SARKAR ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF UDAYAN COMPLEX
DAS COLONY
SILCHAR.

21: SHRI SWARNADEEP BISWAS
SON OF SHRI U.S. BISWAS ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF 1ST LANE ROAD
LANE NO.1
HOUSE NO. 69
SILCHAR.

22: SHRI AMALENDU CHAKRABORTY
SON OF SHRI KEDARESWAR CHAKRABORTY
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR
RESIDENT OF LOKNATH APARTMENT
1ST LINK ROAD
SILCHAR.

23: SHRI NITIN KUMAR
SON OF OM PRAKASH SAH
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF HOUSE NO. 37
1ST LANE
1ST LINK ROAD
SILCHAR.

24: SHRI MANASH ROY

SON OF MAKUNDE LAL ROY RESIDENT OF HOUSE NO. 42
LANE 1B
SILCHAR.

25: SHRI REMITH GEORGE CARRI
SON OF E.J.KARI
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF 1ST LINK ROAD
LANE NO. 2
HOUSE NO.36
SILCHAR.

26: SHRI A. S. YARSO
SON OF SHRI A. S. MAHANGLENG
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF LANE NO. 2
1ST LINK ROAD
SILCHAR.

27: SHRI G. ALBIN JOSEPH
SON OF SHRI J. GINANAMANICKAM
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF HOUSE NO. 26
LANE - 2
LINK ROAD
SILCHAR

28: SHRI UMESH KUMAR
SON OF SH. BIHARILAL ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF W - 3
WARDEN COMPLEX
ASSAM UNIVERSITY COMPLEX
CACHAR

SILCHAR.

29: SHRI SUBHRABARAN DAS
SON OF SWADES RANJAN DAS
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF HOUSE NO. 55
LANE NO.3
LINK ROAD
SILCHAR.

30: SHRI RAJAN KUMAR VAIDHYA
SON OF SHRI RAVINDRA KUMAR
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF HOUSE NO. 2
LANE 1A
1ST LINK ROAD
SILCHAR.

31: SHRI GOVIND SHARMA
SON OF LT. ASHWINI KUMAR DAS
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF C/O SHRI SHEKHAR GHOSH
VIVEKANANDA CO - OPERATIVE
HOUSE NO. 3
SILCHAR.

32: SHRI PARTHA PRATIM PAUL
SON OF SHRI HARI PADA PAUL
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF QUARTER NO. LG - 06
ASSAM UNIVERSITY CAMPUS
SILCHAR.

33: SHRI N. BIJEN MAITI
SON OF SHRI N. MANIHAR
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF QUARTER NO.LE-2
ASSAM UNIVERSITY CAMPUS
SILCHAR.

34: SHRI VINAY KUMAR RAO

SON OF SHRI S. RAO

ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF QUARTER NO. LF -1
ASSAM UNIVERSITY CAMPUS
SILCHAR.

35: SHRI PRABHAT KUMAR MISHRA
SON OF SHRI GHANSHYAM MISHRA
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF QUARTER NO. LC - 01
ASSAM UNIVERSITY CAMPUS
SILCHAR.

36: SHRI P. KANAKA RAO

SON OF SHRI P. GANGA RAJU
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF QUARTER NO. CA- 04
ASSAM UNIVERSITY CAMPUS
SILCHAR.

37: SHRI HASHA S.

SON OF SHRI M. V. SRINIVAS
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF QUARTER NO. LB - 02
ASSAM UNIVERSITY CAMPUS
SILCHAR.

38: SHRI MRITUNJAY KUMAR SINGH
SON OF SHRI R. B. SINGH
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF QUARTER NO. LH- 02
ASSAM UNIVERSITY CAMPUS
SILCHAR.

39: SHRI HABIBUR RAHMAN LASKAR
SON OF SHRI F. R. LASKAR
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF QUARTER NO. LH - 01
ASSAM UNIVERSITY CAMPUS
SILCHAR.

40: SHRI SIB SANKAR MAZUMDAR
SON OF SHRI LABINDU BHUSAN MAZUMDAR
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF QUARTER NO. LH - 3
ASSAM UNIVERSITY CAMPUS
SILCHAR.

41: DR. MOSTAFIZUR MAZUMDAR
SON OF ZAMIRUL HAQUE
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF QUARTER NO. LG -1
ASSAM UNIVERSITY CAMPUS
SILCHAR.

42: DR. PARAG SHIL

SON OF SAMAR RANJAN SHIL
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF C/O MRS. APARNA DAS
SEEMA ROAD
TIKARBASTI
SILCHAR.

43: SYED MURTAZA AL FARID
SON OF LT. S. M. HUSSAIN
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF C/O ANWAR CHOUDHURY
ASBER MASTER LANE
BATERTAL
MEHERPUR
SILCHAR.

44: DR. AVIJIT DEBNATH
SON OF SHRI AMAR CHANDRA DEBNATH
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF QUARTER NO. LG - 5
ASSAM UNIVERSITY CAMPUS
SILCHAR.

45: SHRI AKASH VARMA
SON OF SHRI S. K. VARMA
ASSISTANT PROFESSOR
ASSAM UNIVERSITY

SILCHAR RESIDENT OF LINK ROAD - 1
SILCHAR.

46: SHRI DEBASISH CHAKRABORTY

SON OF SHRI DEBDAS CHAKRABORTY
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF C/O SHRI A. ROY
RAMSARAN SARANI
SILCHAR.

47: SHRI RAHUL DAS

SON OF SHRI RATAN DAS
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF MALUGRAM
SILCHAR.

48: SHRI HILLOLJYOTI SINGHA

SON OF LATE TAPAN KUMAR SINGHA ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF ASSAM UNIVERSITY CAMPUS
SILCHAR.

49: SHRI HIMADRI ACHARYA

SON OF SHRI SUKUMAR ACHARYA
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF MADAN MOHAN LANE
RANGIRKHORI
SILCHAR.

50: SHRI NIGAMANANDA BISWAS

SON OF LT. NIRMALANDU BISWAS
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF 2ND LINK ROAD
LANE NO. 2
SILCHAR.

51: SHRI KABINDRA SINGH BRIJWAL

SON OF SHRI J. S. BRIJWAL
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF HOUSE NO. 56

1ST LINK ROAD
LANE NO. 1
SILCHAR.

52: SHRI NINGETHOUJAM JIBAN SINGH
SON OF SHRI N. SHYAMJAI SINGH
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF QUARTER NO. LH - 06
ASSAM UNIVERSITY CAMPUS
SILCHAR.

53: SHRI SANJIB SNEGUPTA
SON OF LT. SANKAR SENGUPTA
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF QUARTER NO. L - 2
NIT
SILCHAR.

54: DR. SUJIT KUMAR GHOSH
SON OF SHRI KAMESWAR GHOSH
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF RAMKRISHNA SHRANI SAHEBPARA
SONAPUR
KOLKATA
WEST BENGAL.

55: SHRI MANOJ KUMAR PAUL
SON OF SHRI RANJIT RANJAN PAUL
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF QUARTER NO. LD - 1
ASSAM UNIVERSITY CAMPUS
SILCHAR.

56: DR. TAPAN DAS

SON OF LT. ANULENDU DAS
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF QUARTER NO. LH - 5
ASSAM UNIVERSITY CAMPUS
SILCHAR.

57: DR. TAKHELLAMBAM SNJOY SINGH

SON OF SHRI T. SHEIBASAJI SINGH
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF RAJBHARI LANE
RANGIRLCHARI
SILCHAR.

58: SHRI SUDIP CHOUDHURY
SON OF SHRI SAMARENDRA KUMAR CHOUDHURY
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF COLLEGE ROAD
HAILAKANDI
ASSAM.

59: SHRI DEEPJYOTI CHOUDHURY
SHRI NABENDU CHOUDHURY
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF R. K. MISSION ROAD
SILCHAR.

60: DR. DEBOMALYA GHOSH
SON OF LT. PRABHAT CHANDRA GHOSH
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF FLAT NO. 10
2ND FLOOR
MANORANJAN COMPLEX
SEDAGHAT
SILCHAR.

61: DR. KATHIRENSEN L.

SON OF SHRI LOGANATHAN
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF 2ND LINK ROAD
NEAR FIRST LANE

SILCHAR.

62: DR. PIUS V. T.

SON OF SHRI THOMAS VAZHAPPILLY THOMAS
ASSISTANT PROFESSOR
ASSAM UNIVERSITY
SILCHAR RESIDENT OF HOUSE NO. 39

15TH LANE
1ST LINK ROAD
SILCHAR.

63: THE ADDITIONAL CHIEF ELECTORAL OFFICER

ASSAM
ELECTION DEPARTMENT
4TH FLOOR
BLOCK 'C'
ASSAM SECRETARIAT
DISPUR
GUWAHATI - 781006
ASSAM.

64: THE DISTRICT ELECTION OFFICER CUM DEPUTY COMMISSIONER

SILCHAR
CACHAR
ASSAM

VERSUS

THE ELECTION COMMISSION OF INDIA and 3 ORS
REP. BY THE CHIEF ELECTION COMMISSIONER, ELECTION COMMISSION
OF INDIA NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

2:THE CHIEF ELECTORAL OFFICER

ASSAM
ELECTION DEPARTMENT
4TH FLOOR
BLOCK 'C'
ASSAM SECRETARIAT
DISPUR
GUWAHATI - 781006
ASSAM

Advocate for the Petitioner : MR.P DEKA

Advocate for the Respondent : MR.D BARUAH

BEFORE
HON'BLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

ORDER

Date : 30-08-2022

Heard Ms. S Todi, learned counsel for the petitioners. Also heard Mr. A Ali, learned Standing Counsel for the respondents in the Election Commission of India.

2. The petitioners herein are all Assistant Professors in the Assam University and are aggrieved by the order dated 25.03.2014 of the District Election Officer, Cachar issued under Section 26(1)(3) of the Representation of People Act, 1963 (as amended) whereby the present petitioners were appointed as Presiding Officers of various polling stations in the General Election that took place in the year 2014.

3. The grievance of the petitioners are that they have no objection to offer their services under the Election Commission of India for the purpose of smooth conducting of elections but while allotting their duties, they should not be allowed to work under any officials who otherwise in the hierarchy of rank in respect of the service where the petitioners are engaged to be below that of the petitioners or otherwise junior to them. According to the petitioners, such requirement while performing the duties under the Election Commission of India violates their legal rights and also make them to work under a person under whom otherwise they would not be required to work.

4. Mr. A Ali, learned counsel for the respondents in the Election Commission of India has made a statement upon instruction that the Election Commission of India had taken note of the aforesaid grievances of the petitioners and in fact, in the subsequent elections, the officials like that of the petitioners were allotted

different duties under the Election Commission of India namely, Micro Observer, Additional Micro Observer, Assembly level Master Trainers etc.

5. As the respondents in the Election Commission of India had taken note of the grievances of the petitioners, we are of the view that no further adjudication is required.

6. Accordingly, this writ petition is closed by providing that the respondents in the Election Commission of India shall take note of the rank and seniority of the petitioners, even in future if they are required to serve for the purpose of election duties under the Election Commission of India.

Writ petition stands closed with the above observations.

JUDGE

Comparing Assistant