

The Governing Body, G. C. College, Silchar, Assam and Another,

Vs

The Gauhati University and Others

Writ Petition No. 263 of 1972

(A. N. Ray, D. G. Palekar, S. N. Dwivedi JJ)

26.10.1972

JUDGMENT

DWIVEDI, J. -

1. This petition under Article 32 of the Constitution is filed by three petitioners. The first petitioner is the Governing Body, G.C. College, Silchar (Assam); the second petitioner is Shri P. C. Choudhury, member of the said Governing Body; and the third petitioner is S. Deb Ray. He has passed the Matriculation Examination in 1972. He is a Bengali. He says that he has received education in Bengali medium. English was a compulsory subject in the Matriculation Examination. He is now reading in the Pre-University Class in the G.C. College, Silchar. The petitioners pray for the issue of an appropriate writ, order or direction declaring unconstitutional the Resolution of the Academic Council of the Gauhati University, dated June 12, 1972. Their grievance is that the said Resolution is violative of their rights under Articles 29 and 30 of the Constitution.

2. The impugned Resolution retains English as a medium of instruction till such time not exceeding 10 years as may be considered necessary by the Governing Council and also prescribes Assamese as the medium of instruction in the Colleges under the jurisdiction of the Gauhati University. It gives an option to the examinees to answer questions either in English or Assamese in the University Examinations. In the first instance the Resolution is made applicable to the two years Pre-University Course with effect from 1972-73 session.

3. The respondents are the Gauhati University, the Academic Council and the Executive Council of the said University and the State of Assam. Counsel for the first three respondents has raised a preliminary objection to the hearing of the petition. The objection is that the petitioners have got no standing to file the writ petition.

4. The principal of the G.C. College, Silchar wrote a letter to the University Registrar on September 2, 1972. The letter begins with the admission that up to the academic session 1971-72, the general medium of instruction in the College was English and that the English medium is being continued in the first year Pre-University Classes in the academic session 1972-73. It is then said that Bengali was also used side by side with English for "elucidation of the contents of lectures in English". It is evident from the petition and the aforesaid letter that the impugned resolution does not presently affect the petitioners. The College has been imparting education to the students in the English medium. S. Deb Ray, the third petitioner, has read up to the Matriculation Examination in the English medium. In the Pre-University Class of the College, he is receiving education in the English medium. The impugned resolution permits them to impart and receive education in the English medium. In the circumstances, we agree with counsel for the respondents that in the circumstances

of this case the petitioners have got no standing to file the petition.

5. The petition is accordingly dismissed. In the circumstances of this case, there shall be no order as to costs.

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