

GAHC010014512026



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

Case No. : WP(C)/658/2026

AKHTARUR RAHMAN
S/O LATE UZIR KHAN, R/O KHALIHAMARI JAIL ROAD, P.O. AND P.S.
DIBRUGARH, DIST. DIBRUGARH, ASSAM.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM,
THE DEPTT. OF SCHOOL EDUCATION, JANATA BHAWAN, DISPUR, ASSAM
781006

2:THE JOINT SECRETARY
TO THE GOVT. OF ASSAM
DEPARTMENT OF ELEMENTARY EDUCATION
JANATA BHAWAN
DISPUR
ASSAM 781006

3:THE UNDER SECRETARY
TO THE GOVT. OF ASSAM
DEPARTMENT OF SCHOOL EDUCATION
JANATA BHAWAN
DISPUR
ASSAM 781006

4:THE DIRECTOR OF ELEMENTARY EDUCATION
KAHILIPARA
GUWAHATI-19
ASSAM

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER
DIBRUGARH
ASSAM

6:THE DEPUTY INSPECTOR OF SCHOOLS
DIBRUGARH
ASSAM

7:THE DIRECTOR
OF THE STATE COUNCIL OF EDUCATIONAL RESEARCH AND
TRAINING(SCERT)
ASSAM
KAHILIPARA
GUWAHATI-19
ASSA

Advocate for the Petitioner : MR S BORTHAKUR, MR. D GOGOI

Advocate for the Respondent : SC, ELEM. EDU, SC, SCERT, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 09.02.2026

Heard Mr. D. Gogoi, learned counsel for the petitioner.

Stated to be aggrieved by the part of the order dated 11.01.2019, issued by the Director, Elementary Education Department, Assam, whereby the petitioner was transferred to the same grade and scale of pay and posted in the Office of the Deputy Inspector of Schools, Dibrugarh, at his own request, subject to the condition that he would not claim seniority in the existing staff of Senior Assistants under the District Elementary Education Officer at Dibrugarh, this writ petition is filed on the ground that the petitioner would be deprived of consideration for promotion to the next higher post if the condition of debarring him from claiming seniority remains in effect, which is arbitrary, unconstitutional and in violation of his fundamental right to consider for promotion.

Issue notice, returnable by 4 (four) weeks.

As Mr. R. K. Borah, learned Standing Counsel, Elementary Education Department for the respondent Nos. 1 to 6 and Mr. P. Choudhury, learned Standing Counsel, SCERT, for the respondent No. 7 have entered appearance and accepted notice on behalf of all the respondents, no formal notice need be issued. However, requisite extra-copies of the writ petition along with the documents appended thereto be furnished to them during the course of the day.

List this matter **after 4 (four) weeks.**

JUDGE

Comparing Assistant