

GAHC010020962026



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

**Case No. : WP(C)/595/2026**

NAZRUL ISLAM  
S/O- LT. ABDUR RAHMAN.  
VILLAGE-NANGALBHANGA, P.O.- JOYPUR, P.S. -AMGURI, DIST.  
-CHIRANG, BTC, ASSAM. PIN-783393.

VERSUS

THE STATE OF ASSAM AND ORS  
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM, SCHOOL  
EDUCATION DEPARTMENT, ASSAM, DISPUR, GUWAHATI-06.

2:THE DIRECTOR OF SECONDARY EDUCATION  
ASSAM  
KAHILIPARA  
GUWAHATI-19.

3:THE BODOLAND TERRITORIAL COUNCIL  
REPRESENTED BY THE PRINCIPAL SECRETARY  
BTC  
KOKRAJHAR  
ASSAM  
PIN-783370

4:THE DIRECTOR OF EDUCATION  
BTC  
KOKRAJHAR  
ASSAM PIN- 783370.

5:THE INSPECTOR OF SCHOOLS  
CHIRANG DISTRICT CIRCLE  
KAJALGAON  
DIST.- CHIRANG  
BTC

ASSAM  
PIN-783385

6:FARUQUE ABDULLAH SALEMUN HABIB  
S/O- LATE BOKTAR ALI.  
VILL.- BONNYAGURI  
P.O.- JALESWAR  
DIST.- GOALPARA  
ASSAM  
PIN- 78313

**Advocate for the Petitioner** : MD. A HUSSAIN, MR. T ISLAM,MR. K ALOM,MR. P K ROYCHOUDHURY

**Advocate for the Respondent** : SC, BTC, FOR CAVEATOR,MR. I H SAIKIA,SC, SEC. EDU.

Linked Case : WP(C)/627/2026

FARUQUE ABDULLAH SALEMUN HABIB  
S/O- LATE BOKTAR ALI  
R/O- VILL- BONNYAGARI  
P.O.- JALESWAR  
DIST.- GOALPARA  
ASSAM  
PIN- 783132

VERSUS

THE STATE OF ASSAM AND 5 ORS  
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM  
SCHOOL EDUCATION DEPARTMENT  
DISPUR  
GUWAHATI-6

2:THE DIRECTOR OF SECONDARY EDUCATION  
ASSAM  
KAHILIPARA  
GUWAHATI-19

3:THE BODOLAND TERRITORIAL COUNCIL  
REPRESENTED BY THE CHIEF EXECUTIVE OFFICER  
KOKRAJHAR  
PIN- 783370

4:THE DIRECTOR OF EDUCATION

BODOLAND TERRITORIAL COUNCIL  
KOKRAJHAR  
PIN- 783370

5:THE INSPECTOR OF SCHOOL  
CHIRANG DISTRICT CIRCLE  
KAJALGAON  
ASSAM  
PIN- 783385

6:SRI NAZRUL ISLAM  
ASSISTANT TEACHER IN NABAUDAY HIGHER SECONDARY SCHOOL  
NANGALBHANGA  
CHIRANG  
PIN- 783385

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Advocate for : MR. I H SAIKIA  
Advocate for : SC  
SEC. EDU. appearing for THE STATE OF ASSAM AND 5 ORS

**BEFORE  
HONOURABLE MR. JUSTICE NELSON SAILO**

**ORDER**

**Date : 02-03-2026**

The common question to be decided in the instant writ petitions is that who will be the In-charge Headmaster of Nabauday Higher Secondary School, which is said to have been recently upgraded from a High School.

The petitioner in WP(C) 595/2026 is aggrieved with the order dated 29.01.2026 by the respondent No. 6, who is also the writ petitioner in WP(C) 627/2026 has been allowed to act as In-charge Principal of the newly upgraded Higher Secondary School.

Appearing for the petitioner in WP(C) 595/2026, Mr. PK Roychoudhury, learned counsel submits that the petitioner had joined the School on 01.04.1996 whereas the private respondent had joined the School on 04.10.2018. Likewise,

the writ petitioner also enjoyed the graduate scale of pay period to the respondent No. 6 and therefore, the impugned order dated 29.01.2026 is illegal and should be set aside. He submits that even if the writ petitioner is not considered to be illegal for the post, the same will be the case of the respondent No. 6 and under the circumstance an *ad-hoc* appointee cannot be replaced by another *ad-hoc* in terms of the settled principle of law. Even on this count, the impugned order dated 29.01.2026 is bad in law.

Per contra, Mr. IH Saikia, learned counsel for the respondent No. 6, who is also the petitioner in WP(C) 627/2026 submits that the petitioner has filed the said writ petition questioning the graduate scale of pay granted to the petitioner in WP(C) 595/2026 since he was not a graduate at the time of entry into the service and therefore has been wrongly given such scale of pay. He also submits that in terms of the judgment rendered by a co-ordinate Bench of this Court in WP(C) 251/2021, which was later on upheld by the Appellate Court in WA 155/2022, all those persons, who have been wrongly given the graduate scale of pay are required to be placed in their appropriate scale of pay since they were under graduate at the time of their entry as Upper Primary School Teacher.

The instructions to this effect has been given by the Director of Secondary Education to all the Inspector of Schools on 13.03.2025 and in terms of the said instructions, the petitioner in WP(C) 595/2026 will not be eligible to continue with the graduate scale of pay. He therefore, submits that there is nothing wrong in giving the post of Headmaster In-charge to the petitioner in WP(C) 627/2026, which in fact is In-Charge Principal now after the upgradation of the School into a Higher Secondary School.

Considering the rival contentions, the stand of the respondent authorities

concerned on the issue would be necessary to enable this Court to adjudicate the matters. Since both the matters are in the motion stage, it would be appropriate to issue notice of motion, returnable by 24.03.2026.

Ms. B Borah, learned Standing Counsel, BTC accepts notice on behalf of respondent Nos. 3 to 5 in both the writ petitions while Ms. P Das, learned Standing Counsel, Secondary Education Department accepts notice on behalf of respondent Nos. 1 & 2. Mr. IH Saikia, learned counsel accepts notice on behalf of respondent No. 6 in WP(C) 595/2026 while Mr. PK Roychoudhury, learned counsel accepts notice on behalf of respondent No. 6 in WP(C) 627/2026.

Petitioners to serve requisite extra copies of the writ petition to the official respondents and to the private respondents concerned appearing today within 2 (two) days.

Having regard to the controversy projected by the parties and urgency expressed, the official respondents shall file their affidavits on or before 20.03.2026 by furnishing the copies to the parties concerned so that the matter can be taken up for final consideration on 24.03.2026.

List accordingly.

**JUDGE**

**Comparing Assistant**