

GAHC010030242022



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

Case No. : WP(C)/1207/2022

MD. SADEQUE HUSSAIN
S/O- LATE SHAHAR ALI SK, VILL- ALAMGANJ, PO- RANGAMATI, DIST-
DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM,
SECONDARY EDUCATION DEPARTMENT, DISPUR, GUWAHATI-6, ASSAM

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

3:THE INSPECTOR OF SCHOOLS
DHUBRI
DIST- DHUBRI
ASSAM

4:THE GLOBAL EDUCATION AND TECHNO WORLD

HATSINGIMARI
DIST- SOUTH SALAMARA MANCACHAR
ASSAM
PIN-783136. REPRESENTED BY ITS CHIEF MANAGING DIRECTOR.

5:THE SELECTION COMMITTEE OF PANBARI RANGAMATI SENIOR
MADRASSA

RANGAMATI
DIST-DHUBRI

ASSAM
REP. BY ITS PRESIDENT

6:THE HEADMASTER CUM MEMBER SECRETARY
OF PANBARI RANGAMATI HIGH SCHOOL
RANGAMATI
DIST-DHUBRI
ASSAM

7:MD. SULTAN MAHMUD SK.
S/O- LT. FORMAN ALI SK.
R/O VILL- SADHUBHASHA NO. 2
PO- MAKRIJHORA
PS- GAURIPUR
DIST- DHUBRI
ASSAM
PIN-78334

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : SC, EDU

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

07.04.2022

Heard Mr. HRA Choudhury, learned senior counsel assisted by Mr. M.I. Hussain, learned counsel for the petitioner as well as Mr. R. Mazumder, learned standing counsel for the Secondary Education department representing respondent nos.1, 2, 3 and 6 and Mr. B. Sinha, learned counsel for the respondent no.7.

2. Questioning the selection of appointment of the respondent no.7 as LDA in Panbari Rangamati Senior Madrassa, Dhubri the present writ petition has been filed under Article 226 of the Constitution of India.

3. Issue notice returnable on 23.05.2022.
4. Requisite extra copies of the writ petition shall be served on departmental counsel in course of the day.
5. Pursuant to order dated 14.03.2022, the learned standing counsel for the Secondary Education department has produced the records containing the application form of the respondent no.7 in original. Perused the same. As per the records produced, it is seen that appended to the standard form of application submitted by the private respondent on 14.12.2013, amongst others is the marksheet dated 25.10.2015 issued by the Global Education and Technoworld, Hatsingimari, Dhubri indicating that the respondent no.7 was awarded 91.4 percentile marks in Post Graduate Diploma in Computer Application (PGDCA).
6. However, at the stage, the learned counsel for the respondent no.7 has submitted that as per the instructions received by him, pursuant to the enquiry made by the Sub-Divisional Judicial Magistrate (M), Hat Singimari (Annexure-14), the School Selection Committee has already relooked and done a fresh exercise for awarding marks. Therefore, on the next date fixed, the respondents shall file their affidavit-in-opposition without fail.
7. As an interim measure it is provided that the selection of the appointment of the respondent no.7 in Panbari Rangamati Senior Madrassa shall be subject to the outcome of the writ petition.

8. The original document of selection process as produced by the learned standing counsel for the Secondary Education department is returned.
9. In view of the fresh exercise done by the School Selection Committee, the Secondary Education department shall call for the original records so as to enable him to file affidavit-in-opposition.
10. List the matter on 23.05.2022.

JUDGE

Comparing Assistant