

GAHC010042612024



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

Case No. : WP(C)/1260/2024

RATHI KANTA DAS AND 3 ORS
S/O JAHARLAL DAS, R/O VILL- NUTAN KANCHANPUR, P.O.-NUTAN
KANCHANPUR, P.S.-SILCHAR SADAR, DIST- CACHAR, ASSAM, PIN-788007

2: FAZLUL BARI
S/O LATE SUAIBUR RAHMAN
R/O VILL- UTTAR KANCHANPUR PT-I
P.O.-PANCHGRAM
DIST- CACHAR
ASSAM
PIN-788802

3: FAZAL HUSSAIN BARLASKAR
S/O LATE AJAJUR RAHMAN BARLASKAR
R/O VILL- WATER WORKS ROAD NEAR PATSHALA SCHOOL
P.O.-SILCHAR
P.S.-SILCHAR
DIST- CACHAR
ASSAM
PIN-788001

4: MAJMUH HOUQUE LASKAR
S/O FAKAR UDDIN LASKAR
R/O VILL- NEAIRGRAM PT-I
SILCHAR
P.O.-NEAIRGRAM
P.S.-SILCHAR
DIST- CACHAR
ASSAM
PIN-78803

VERSUS

THE STATE OF ASSAM AND 13 ORS

REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, EDUCATION (ELEMENTARY) DEPARTMENT,
DISPUR, GUWAHATI-781006

2:THE MISSION DIRECTOR
SARVA SIKSHA ABHIYAN
KAHILIPARA
GUWAHATI-781019

3:THE DIRECTOR
ELEMENTARY EDUCATION
KAHILIPARA
GUWAHATI-781019

4:PALLAV KANTI CHAKRABORTY
S/O LATE PIJUSH KANTI CHAKRABORTY
SCHOOL NAME-15 JOY KUMAR BALIKA VIDYALAYA
R/O WARD NO. 1
KALIBARI ROAD
P.O.-MALUGRAM
DIST- CACHAR
PIN-788002

5:SHAILA SULTANA CHOUDHURY
W/O ABU SAHER BARBHUIYA
SCHOOL NAME-677 NO ANWARPAR LPS
KATLICHHARA BLOCK
HAILAKANDI
R/O VILL- RAJYESWARPUR PT-3
P.O.-AMALA
DIST- HAILAKANDI
PIN-788164

6:FAIZUL HOQUE
S/O ABDUL GAFUR
SCHOOL -655 NO RUPERGOOL LP SCHOOL
VILL- KEUTKUMA
P.O.-SINGARIA BAZAR
DIST-KARIMGANJ
PIN-788719

7:ABDUR RAJJAQUE MAZUMDER
S/O ABDUL BARI MAZUMDER
SCHOOL NAME- 860 BHOTER CHALK LPS
R/O VILL- TARINIPUR PT 3
P.O.-SIALTEK
DIST- CACHAR
ASSAM

PIN-788802

8:ABU BAKKAR TAPADER
S/O ROFIQUE UDDIN TAPADER
SCHOOL NAME- JAGODISHPUR PART 5 NEW LPS
R/O VILL- TARINIPUR PART 3
P.O.-SIALTEK
DIST- CACHAR
ASSAM
PIN-788802

9:SUROJIT SARMA
S/O BINOD SARMA
SCHOOL NAME- 1070 DIGABOR LPS
R/O MOHAPROBU SORONI SONAI ROAD
SILCHAR
DIST- CACHAR
ASSAM
PIN-788005

10:RATUL BISWAS
S/O GOPASH BISWAS
SCHOOL NAME- 4 NO. NATANPUR LPS
R/O JB ROAD
NEAR PNB KALAIN
DIST- CACHAR
PIN-788815

11:APARNA DEBROY
D/O BHUBON MOHAN DEBROY
SCHOOL NAME- 183 BARA JAMIRA LPS
R/O VILL- RONGPUR
P.O.-KATLICHERRA
DIST- HAILAKANDI
ASSAM
PIN-788161

12:ABUL KASHIM LASKAR
S/O AFTAB UDDIN LASKAR
SCHOOL NAME- HUMAYUN NAGAR EGS (18230123005) HAILAKANDI
R/O VILL AND P.O.-BASBARI PART 1
DIST- HAILAKANDI
PIN-788152

13:MONJURUL ISLAM LASKAR
S/O AMIN ALI LASKAR
NAME OF SCHOOL- KALAKHAL NEW LP SCHOOL
R/O VILL- DAKSHIN MOHNPUR PT. VII

P.O.-DAKSHIN MOHANPUR
DIST- CACHAR
PIN-788119

14:KUTUB ISLAM BARBHUIYA
S/O AZOM ALI BARBHUIYA
NAME OF SCHOOL- 977 NO. SELURPAR LP SCHOOL
R/O VILL- DAKSHIN MOHANPUR PT. VII
P.O.-DAKSHIN MOHANPUR
DIST- CACHAR
PIN-78811

Advocate for the Petitioner : MR. M DAS

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE

ORDER

Date : 04.03.2024

Heard the learned counsel for the petitioner. Also heard Mr. S. Chutia, learned counsel for the respondent No.1 and 3 and Mr. S. Bora, learned standing counsel, SSA for the respondent No.2.

The advertisement dated 30.06.2017 was issued by the Mission Director SSA, Assam for filling up of 7042 numbers of posts of Assistant Teachers of lower primary and upper primary school on contractual basis under the SSA.

The contention of the writ petitioners is that the respondent authorities have filled up 11,319 number of posts over and above the 7042 posts advertised.

Issue notice, returnable by four weeks.

Since the respondents are duly represented by their respective counsel, no formal notice is required to be served to the said respondents. However, extra copies of the writ petition be furnished to the learned counsel for the respondents during the course of the day.

Learned counsel for the petitioner shall take steps for service of notice upon the respondents No.4 to 14 by registered post with A/D within three days.

Since the petitioners have arrayed as the respondents No.4 to 12, the petitioners are directed to take steps for service of notice on the remaining 11,319 Assistant Teachers by substitute service by publishing the notice in two local daily newspapers (one in vernacular and one in English) having wide circulation in the State of Assam within a period of three weeks thereafter the petitioners shall file an affidavit to that effect.

List the matter after four weeks along with WP(C) 3879/2020, WP(C) 7274/2021 and WP(C) 5818/2023.

Interim prayer shall be considered on the next returnable date.

JUDGE

Comparing Assistant