

GAHC010044682022



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

Case No. : WP(C)/1710/2022

AJIT DAS
S/O- LATE GOPAL DAS, VILLAGE- NABAPUR, P.O- BISWANATH CHARIALI,
P.S-BISWANATH CHARIALI, DIST- BISWANATH, ASSAM, PIN-784176

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, EDUCATION DEPARTMENT, DISPUR, GUWAHATI-781006,
ASSAM

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

3:THE INSPECTOR OF SCHOOLS
S.D.C.
TEZPUR
DIST- SONITPUR
ASSAM

4:NATIONAL COUNCIL FOR TEACHER EDUCATION
HANS BHAWAN
WING II
BAHADURSHAH JAFAR MARG
NEW DELHI-110002

5:LILA UPADHYAYA
I/C HEAD MASTER
F.A AHMED HIGH SCHOOL

DIST- SONITPUR
ASSA

Advocate for the Petitioner : MR. T SK

Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

ORDER

Date : 11.03.2022

Also heard Mr. B J Ghosh, learned counsel for the petitioner. Also heard Mr. R Mazumdar, learned counsel for the respondents no. 1, 2 and 3 being the authorities under the Secondary Education Department, Government of Assam and Mr. N J Barbhuiya, learned counsel for the respondent no. 4 being the NCTE.

2. Issue notice, returnable by six weeks.
3. Extra copies of the writ petition be furnished to the learned counsel for the respondents within three days.
4. Steps on the respondent no. 5 by registered post within three days.
5. The order allowing the respondent no. 5 Lila Upadhyaya to be the in-Charge Headmaster of FA Ahmed High School, Sonitpur is assailed in this writ petition on the ground that the respondent no. 5 does not have the qualification of B.Ed.
6. Ordinarily, the said ground would be a good ground for taking a prima facie view in favour of the petitioner but we have noticed that the petitioner had received his graduate scale of pay from the year 2016 onwards and the law requires an experience of 10 (ten) years with the graduate scale of pay for being eligible to be the Headmaster.
7. As the petitioner himself is ineligible, a question would remain as to whether any legal right of the petitioner had been violated by such order impugned. In other words, whether the petitioner has a locus-standi in this writ petition.

8. The question of locus-standi would remain open to be decided in this writ petition.

List after six weeks.

JUDGE

Comparing Assistant