

GAHC010045172026



undefined

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

Case No. : WP(C)/2801/2026

JIBAN BORAH AND 32 ORS
S/O AKAMAN BORAH, R/O VILL. SANDAHKHOWA, P.O. LIKHAK DEURI,
DIST. LAKHIMPUR, ASSAM.

2: SWARNA BARUAH
S/O BADAN BARUAH
VILL. NEPALI BARI
P.O. MORNOI
DIST. LAKHIMPUR
ASSAM.

3: MOHEN BORAH
S/O BHUBAN BORAH
R/O VILL. ADHAKHANA
P.O. LIKHAK CHAPARI
DIST. LAKHIMPUR
ASSAM.

4: BIPIN DUTTA
S/O KAMAL DUTTA
R/O VILL. AAMGURI
P.O. BOR ELENGI
DIST. LAKHIMPUR

5: CHANDRA PROVA BARAH
S/O NOMAL CH BHUYAN
R/O VILL. AND P.O. BORBALI
DIST. LAKHIMPUR
ASSAM.

6: THANESWAR BORAH
S/O GHANASHYAM BORAH
R/O VILL. SARJAN
P.O. PANBARI
DIST. LAKHIMPUR

ASSAM.

7: JOGANANDA SARMAH
S/O GOBIN SARMAH
R/O VILL. GOBINPUR
P.O. LAHALIAL
DIST. LAKHIMPUR
ASSAM.

8: ANNALATA SAIKIA
D/O MOLADHAR SAIKIA
R/O VILL. AAMGURI
P.O. KHORA
MORNOI
DIST. LAKHIMPUR
ASSAM.

9: DIJEN BORAH
S/O GOPAL BORAH
R/O VILL. NEPALIBARI
P.O.KHORA
MORNOI
DIST. LAKHIMPUR
ASSAM.

10: SONESWARI BORAH
S/O NABIN CHETIA
R/O VILL. KHOLAGURI
P.O. HAMARTHAN
DIST. LAKHIMPUR
ASSAM.

11: ARUN KR. SAIKIA
S/O BAPURAM SAIKIA
R/O VILL. HAMARA THAN
P.O. JAPJUP
DIST. LAKHIMPUR.

12: SURJYA DOLEY
S/O LAKHINATH DOLEY
R/O VILL.MAJPOTIA
P.O. PATRICHUK
DIST. LAKHIMPUR
ASSAM.

13: CHITRALEKHA GOGOI
W/O GANDHESWAR GOGOI
R/O VILL. NO 1 HILOIDHARI

P.O. DIGHOLIAL
HILOIDHARI
DIST. DIBRUGARH
ASSAM.

14: NILA SAIKIA
W/O LAKHINATH BORAH
R/O VILL. DHAKUAKHANA BALIGAON
P.O. DHAKUAKHANA
DIST. LAKHIMPUR
ASSAM.

15: RAJEN BORGOHAIN
S/O MANI BORGOHAIN
R/O VILL. AND P.O. DHAKUAKHANA
DIST. LAKHIMPUR
ASSAM.

16: RAJEN BHAGAWATI
S/O DINA BHAGAWATI
R/O VILL. BHOGPUR
P.O. BHOGPUR CHARIALI
DIST. LAKHIMPUR
ASSAM.

17: RINA BIDYARTHI
D/O RAMESH CH. BIDYARTHI
R/O VILL. KAMALPUR
P.O. PHULBARI BOKANADI
DIST. LAKHIMPUR
ASSAM.

18: DILIP KR. TIMSINA
S/O HOMNATH TIMSINA
R/O VILL. LETEKUJAN
P.O KUKSHABARI
DIST. GOLAGHAT
ASSAM.

19: MONIRAM THAKURIA
S/O SHADHIRAM THAKURIA
R/O VILL. LETEKUJON
P.O. KUKSOBARI
DIST. LAKHIMPUR
ASSAM.

20: JOYNARAYAN PRADHAN

S/O LT. MONBAHADUR PRADHAN
R/O VILL. NO 1 BATTAMARI
P.O. RANGACHAKUA
DIST. SONITPUR
ASSAM.

21: JASHODA DEVI
W/O PADMA DHUGUNA
R/O VILL. KAMAR PATHAR
DIST. SONITPUR
ASSAM.

22: JAGAT CH. BORUAH
S/O DUTIRAM BORUAH
R/O VILL. RAJBARI 2
P.O. RAJBARI
DIST. LAKHIMPUR
ASSAM.

23: SUCHIL KUMAR SARMAH
S/O LT. BHABA KT. SARMAH
R/O VILL. RAJBARI 1
P.O. BIHPURIA
DIST. LAKHIMPUR
ASSAM.

24: INDIRA GOGOI
W/O PURNANDA GOGOI
R/O VILL. MOHAMMARI
DHAKUAKHANA
P.O. MOHAMARI
DIST. LAKHIMPUR.

25: SURJYA BORAH
S/O LT. NANDESWAR BORA
R/O PANIBHARAL
P.O. PANIBHARAL
DIST. BISWANATH
ASSAM.

26: TOM PR. UPADHAYA
S/O DEBI PR UPADHAYA
R/O RANGACHUAKUA
DIST. SONITPUR
ASSAM.

27: DIMBESWAR CHUTIA
S/O GANESH CHUTIA

VILL. KATH GAON
P.O. MORNOI
BEBEJA
DIST. LAKHIMPUR
ASSAM.

28: MOTILAL PEGU
S/O MANGLA PEGU
R/O VILL. P.O. DHUNAGURI
DIST. LAKHIMPUR
ASSAM.

29: BASANTI SAIKIA
D/O AMBURAM SAIKIA
R/O VILL. TELAHI MAJGAON
P.O. SONARDHEKI
DIST. LAKHIMPUR
ASSAM.

30: KAMAL CH. BORUAH
S/O DEBESWAR BORUAH
R/O VILL. BHOGPURIA
PHULBARI BOKANADI
DIST. LAKHIMPUR
ASSAM.

31: KHAGEN DUTTA
S/O MANIK DUTTA
R/O VILL. AND P.O. BORBALI
DIST. LAKHIMPUR
ASSAM.

32: INDRA BURATHOKY
S/O DAL BAHADUR BURATHOKY
R/O VILL. GORPAI 2
P.O. GARPAL
DIST. BISWANATH
ASSAM.

33: BHULARAM DUTTA
S/O LT. DHANIRAM DUTTA
R/O VILL. BANPUROI
P.O. BANPUROI
DIST. LAKHIMPUR
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECY. TO THE GOVT. OF
ASSAM, DEPTT. OF SCHOOL EDUCATION (SECONDARY), SACHIVALAYA,
DISPUR, GUWAHATI 781006, ASSAM.

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM KAHILIPARA GUWAHATI 781019

3:THE DIRECTOR OF PENSION
ASSAM HOUSEFED COMPLEX
GUWAHATI 781006

4:THE DEPUTY SECY. TO THE GOVT. OF ASSAM
FINANCE DEPTT. DISPUR
GUWAHATI 78100

Advocate for the Petitioner : MR S BORTHAKUR, SR. ADV., MS. B M LAHKAR,MS. P
BORAH

Advocate for the Respondent : GA, ASSAM, SC, FINANCE,SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 01.06.2026

Heard Ms. Pallabi Borah, learned counsel for the petitioners. Also heard Mr. S. M. T. Chistie, learned standing counsel, Elementary Education Department, appearing on behalf of respondents No. 1 & 2.

2. The petitioners have filed the present writ petition under Article 226 of the Constitution of India, challenging the constitutional validity of Section 8(2) *read with* Section 8(5) of the Assam Education (Provincialization of Services of Teachers and Re-organization of Educational Institutions) Act, 2017, on the ground that the said provisions are arbitrary, discriminatory and violative of Articles 14 & 16 of the Constitution of India.

3. Since the petition challenges the vires of the Rules governing the provisions of the Assam Education (Provincialization of Services of Teachers and Re-organization of Educational Institutions) Act, 2017; Registry is directed to place the matter before the Hon'ble Chief Justice for assignment of the same to an appropriate Bench.

JUDGE

Comparing Assistant