

GAHC010048552026



undefined

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

**Case No. : WP(C)/1479/2026**

DIPANJALI DAS ANDA ANR  
D/O- GUPTA DAS, R/O- VILL.- KAKARIKATA GAON, P.O.- GARAMUR, DIST.-  
MAJULI, ASSAM, PIN- 785104

2: ASHIQUE IKBAL AHMED  
S/O- MUSLIM UDDIN AHMED  
R/O- VILL- PANIKHAITI  
.O.- AMINPARA  
DIST.- UDALGURI BTR  
ASSAM  
PIN CODE- 78451

VERSUS

THE STATE OF ASSAM AND 4 ORS.  
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,  
DEPARTMENT OF SCHOOL EDUCATION, DISPUR, GUWAHATI, PIN781006.

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF  
ASSAM  
ELEMENTARY EDUCATION DEPARTMENT  
DISPUR  
GUWAHATI  
PIN-781006.

3:THE DIRECTOR OF ELEMENTARY EDUCATION  
KAHILIPARA  
GUWAHATI  
PIN-781019

4:NATIONAL COUNCIL FOR TEACHERS EDUCATION  
G-7  
SECTOR-10  
DWARKA

NEAR METRO STATION  
NEW DELHI110075

5:NATIONAL INSTITUTE OF OPEN SCHOOLING  
A-24/25  
INSTITUTIONAL AREA  
SECTOR - 62  
NOIDA  
DISTRICT GAUTAM BUDDHA NAGAR  
UTTAR PRADESH  
20130

**Advocate for the Petitioner** : MR B M DEKA, MS. D BORA,MR. MASUM ALAM

**Advocate for the Respondent** : SC, ELEM. EDU,

**BEFORE**  
**HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

**ORDER**

**Date :** 13-03-2026

Heard Mr. B. M. Deka, learned counsel, appearing for the petitioners. Also heard Mr. S.M.T. Chistie, learned standing counsel, Elementary Education Department.

Issue notice returnable in 04 weeks.

Since Mr. Chistie accepts notice on behalf of the respondent Nos. 1, 2 and 3, no formal notice is required to be issued.

However, requisite extra copies of the writ petition be furnished to Mr. Chistie within 02 working days.

Petitioners to take steps for service of notice upon the respondent Nos. 4 and 5 by way of speed post within 03 working days.

The petitioners, who had participated in the recruitment exercise in pursuance to the advertisement both dated 08-01-2025 for recruitment as Assistant Teacher in Lower Primary Schools, Assistant Teacher, Science Teacher and Hindi Teacher of Upper Primary Schools had completed their 18 (eighteen) months D.El. Ed. Course from NIOS and

accordingly, they being now eligible for being considered for recruitment against the post advertised vide the said advertisement dated 08-01-2025, were required to appear before the Departmental authorities for physical document verification. The petitioners were also required to furnish documents as set out in the notice dated 17-06-2025, which amongst others include the UDISE records, to establish that the candidate concerned was in service as on 10-08-2017. The said requirement is on account of the fact that the 18 (eighteen) months D.El. Ed. Course conducted by the NIOS was open only for untrained teachers who were in service at the relevant point of time. The petitioners contend that the schools did not have UDISE code at the relevant point of time and accordingly they are not in a position to provide the said records.

It is submitted by the learned counsel for the petitioners that after the 3<sup>rd</sup> round of verification, the authorities are contemplating to publish a list of candidates found suitable and accordingly prays that the respondents be restrained from publishing any such list without first resolving the issue raised by the petitioners in the present writ petition.

Considering the nature of the dispute arising in the present proceedings, this Court is of the considered view that an interim direction restraining the respondents from proceeding with the recruitment exercise would not be called for. However, it is provided that any appointment made in pursuance to the said advertisements both dated 08-01-2025, shall be subject to the outcome of the present writ petition. The said aspect of the matter shall be reflected in the appointment orders that would be issued to the selected candidates.

List along with W.P.(C) No. 842/2026.

**JUDGE**

**Comparing Assistant**