



GAHC010057212017



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

Case No. : WP(C) 7815/2017

1:SAHAB UDDIN CHOUDHURY
S/O. LT. KAMAL UDDIN CHOUDHURY, VILL. and P.O. DALOOGAM, DIST.
CACHAR, ASSAM, PIN-788101.

VERSUS

1:THE STATE OF ASSAM and 5 ORS.
TO BE BY THE COMM. and SECY. TO THE GOVT. OF ASSAM, EDUCATION
SECONDARY DEPTT., DISPUR, GHY.-06.

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

3:THE STATE SELECTION BOARD
FOR SELECTION OF PRINCIPALS IN PROVINCIALISED HIGHER
SECONDARY SCHOOLS REP. BY ITS MEMBER SECRETARY I.E. THE
DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GHY.-19.

4:THE INSPECTOR OF SCHOOLS
CACHAR DISTRICT CIRCLE
CACHAR
P.O. SILCHAR
DIST. CACHAR
ASSAM
PIN-788001.

5:THE SCHOOL SELECTION COMMITTEE
NEHRU H.S. SCHOOL



P.O. PAILAPOOL
DIST. CACHAR
ASSAM
PIN-788098
REP. BY ITS MEMBER SECRETARY.

6:THE IN CHARGE PRINCIPAL
NEHRU H.S. SCHOOL
P.O. PAILAPOOL
DIST. CACHAR
ASSAM
PIN-788098

Advocate for the Petitioner : MR.N H LASKAR

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

Date : 07-03-2018

JUDGMENT & ORDER (ORAL)

Heard Mr. K Uddin, learned counsel for the petitioner. Also heard Ms. M Phukan, learned Standing counsel, Secondary Education Department.

2. The petitioner was appointed as an Assistant Teacher (Science Graduate) in Sribar High School, Lalong II as per appointment order dated 26.05.1992 in the scale of pay of Rs.1375/- to 3375/- per month . The petitioner, in the meantime, also passed the MA examination in Mathematics in the year 2014 from the distance education mode and in the year 2015 passed the B.Ed. examination from Teachers Training College, Silchar under the Assam University.

3. Pursuant to the advertisement dated 16.06.2016 inviting applications for the post of Principal of Nehru Higher Secondary School, Pailapool, the petitioner had offered his candidature.

4. This writ petition was preferred with the grievance that the said selection process for the post of



Principal, Nehru Higher Secondary School, Pailapool has not been brought to its logical end, and, accordingly a direction to the respondent authorities was sought to finalise the process of selection. By the earlier orders of this Court, the learned Standing counsel, Secondary Education Department was required to provide the information as to why the selection process so initiated has not been brought to its logical end.

5. Ms. M Phukan, learned Standing counsel for the Education Department produces a communication dated 27.02.2018 from the Inspector of Schools, Cachar, which also contains the records of the selection process pursuant to the said advertisement.

6. On perusal of the records, it is noticed that all the members of the Selection Committee had recommended one Nazrul Islam Barbhuiyan to be the first choice candidate, based upon the selection process. The said information has also been examined by Mr. K Uddin, learned counsel for the petitioner.

7. Mr. K Uddin, learned counsel for the petitioner upon examining the records of the selection process refers to a communication of the President of the School Managing Committee dated 23.08.2017, which indicates that in fact it is the petitioner who stood first in the selection process but the appointment was not made.

8. As the marksheet of the selection process has been produced before this Court and the said marksheet is contrary to the contents of the communication dated 23.08.2017, this Court is of the view that the said dispute raised by the petitioner that he is in fact the first choice candidate and not the other person cannot be adjudicated in this writ petition.

9. Accordingly, this writ petition stands closed.

10. The petitioner is given the liberty to assail the said result of the selection as produced before this Court, if so advised.



11. The learned Standing counsel, Education Department may provide a copy of the said result of the selection to the petitioner, during the course of the day.

JUDGE

Comparing Assistant