



GAHC010057212017



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

Case No. : WP(C)/7815/2017

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

VERSUS

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 KALYAN RAI SURANA**

ORDER

Date : 10.05.2023

Heard Mr. N. Haque, learned counsel for the petitioner.

It is painful to observe that although this writ petition was filed on 12.12.2017 and the matter has been listed on many occasions since 16.12.2017, the learned counsel for the petitioner had never pointed out before the Court that notice of motion was not issued. The writ petition was disposed of by order dated 07.03.2018, which was recalled by order dated 26.11.2018 passed in Rev. Pet. No. 63/2018.

It is also noted that several orders were passed requiring the Secondary



Education Department to produce the record of selection of Principal of Nehru Higher Secondary School, Poilapal in the Cachar district, but the orders of the Court has not been complied with.

Let a notice of motion returnable on 16.06.2023 be issued, without requiring the petitioner to take fresh steps. Nonetheless, extra copy of the writ petition be served on Mr. U. Sarma, learned standing counsel for the Secondary Education Department in course of the day.

It is noted that orders were passed on several occasions to enable the Secondary Education Department to provide instruction to their learned standing counsel as well as to produce the records. However, the records have not been produced.

Therefore, it is made clear that in the event the affidavit-in-opposition is not filed by the respondent nos. 1 to 4 at least 2(two) days prior to the returnable date, (1) the Commissioner and Secretary to the Govt. of Assam, Education (Secondary) Department (respondent no.2), (2) the Director of Secondary Education (respondent no.3) and (3) the Inspector of Schools, Cachar District Circle shall be personally present with the records of selection of Principal of Nehru Higher Secondary School, Poilapal in the Cachar district. If required, the said authorities shall seize the record of selection from the school concerned. In the event the record cannot be produced by the school authorities, the authorities in the Education Department could be well advised to take appropriate steps and inform the Court of steps taken.

By next date either affidavit-in-opposition should be filed, or the authorities mentioned hereinbefore should be personally present on date fixed with the records.



The learned standing counsel for the Secondary Education Department shall send a downloaded copy of this order to the authorities to bring it to their notice.

List on 16.06.2023.

JUDGE

Comparing Assistant