

GAHC010064042022



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

**Case No. : WP(C)/2592/2022**

BUBUL PUZARI  
S/O. LT. NITYANANDA PUZARI, VILL. CHARAIDOLONI, P.O. MADHABPUR,  
P.S. NARAYANPUR, DIST. LAKHIMPUR, ASSAM, PIN-784164.

VERSUS

THE STATE OF ASSAM AND 6 ORS  
REP. BY THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM,  
EDUCATION (SECONDARY) DEPTT., DISPUR, GUWAHATI-781006.

2:THE COMMISSIONER AND SECY.  
TO THE GOVT. OF ASSAM  
EDUCATION (SECONDARY) DEPTT.  
DISPUR  
GUWAHATI-781006.

3:THE DIRECTOR OF SECONDARY EDUCATION

ASSAM  
KAHILIPARA  
GUWAHATI-781019.

4:THE INSPECTOR OF SCHOOLS

LAKHIMPUR DISTRICT CIRCLE  
LAKHIMPUR  
PIN-787001  
ASSAM.

5:DIBYAJYOTI BHUYAN

S/O. LT. BHOGESWAR BHUYAN

VILL. PANBARI MAJGAON  
P.O. PANBARI (DIKRONG)  
DIST. LAKHIMPUR  
ASSAM  
PIN-784164.

6:MAHENDRA MUDOI  
EX-HEADMASTER  
HARMOTI PICHALA HIGH SCHOOL  
LAKHIMPUR  
S/O. LT. BHAKATRAM MUDOI  
VILL. CHARAIDOLONI  
P.O. MADHABPUR  
P.S. NARAYANPUR  
DIST. LAKHIMPUR  
PIN-784147  
ASSAM.

7:PRINCIPAL

DEOMORNOI B.ED. COLLEGE  
DIST. DARRANG  
PIN-784147  
ASSAM

**Advocate for the Petitioner** : MR. A DEKA

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

**BEFORE**  
**HON'BLE MR. JUSTICE DEVASHIS BARUAH**

18.04.2022

Heard Mr. A. Deka, the learned counsel for the petitioner and Mr. S. M. T. Chisti, the learned counsel appearing on behalf of the respondent Nos. 1 to 4. Also heard Mr. L. K. Borah, the learned counsel appearing on behalf of Mr. A. Rajkhowa, the learned counsel for the respondent No. 5.

Issue notice, returnable by **18.05.2022**.

Steps for service of notice upon the respondent Nos. 6 & 7 by registered post with A/D as well as through usual process within 3 (three) days.

Extra copies of the writ petition be served upon the learned counsel for the aforesaid respondents within 3 (three) days.

The case of the petitioner is that the service of the petitioner was provincialised as Graduate Teacher with effect from 19.11.1991 by order dated 24.03.1993 issued by the Director of Secondary Education, Assam and the petitioner was serving at Harmoti Pichala High School, Lakhimpur. During the said period, the petitioner sought permission from the Headmaster of the said school on 05.08.2010 for admission in B.Ed. Course for his professional development. On 18.08.2010, the Headmaster of the said school issued No Objection Certificate to the petitioner (Anenxure-10). Thereupon, the petitioner also filed an application before the Inspector of Schools L.D.C., North Lakhimpur dated 20.08.2011 for Earned Leave w.e.f. 23.08.2011 to 30.09.2011. The petitioner also refers to the Office Memorandum dated 28.07.2014 wherein it has *inter-alia* been mentioned that persons appointed in the post of Post Graduate Teacher, Graduate Teacher in provincialised Higher Secondary and High School/High Madrassa with relaxation of professional qualification of B.Ed. degree as per Government Notification No.ASE.324/2009/138 dated 13.09.2012 may pursue B.Ed. degree from the B.Ed. Colleges in the State which have affiliation by the Gauhati University, Dibrugarh University and Assam University in the evening shift Classes whereby normal classes of the schools are not hampered and in such circumstances no prior permission shall be required. It is in accordance thereof that the petitioner obtained

his B.Ed. degree.

By the impugned order dated 17.03.2022, the Director of Secondary Education, Assam recalled its order dated 12.03.2021 whereby the petitioner was allowed to hold the charge of Headmaster of Harmoti Pichala High School, Lakhimpur on the ground that the petitioner had obtained the B.Ed. degree in violation of Rule 13 of the Assam Civil Service (Conduct) Rules, 1965 and the said impugned order has been put to challenge in the instant writ petition.

I have heard that learned counsel for the parties and given by anxious consideration to the matter. It prima-facie appears from a perusal of the Office Memorandum dated 28.07.2014 and the impugned order dated 17.03.2022 that the Director of Secondary Education, Assam has not taken into consideration the said Office Memorandum while passing the said order.

Be that as it may, taking into consideration the matter in its entirety and for the ends of justice, this Court suspends the order dated 17.03.2022 till the next returnable date.

**JUDGE**

**Comparing Assistant**