

GAHC010065332026



2026:GAU-AS:4512

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

Case No. : WP(C)/1858/2026

KISHOR KUMAR NANDI
VICE-PRINCIPAL OF SEKHAR SANKARDEV MISSION HIGHER
SECONDARY SCHOOL, DIMAKUCHI, S/O LATE MUKUL CHANDRA NANDI
R/O VILLAGE- 1 NO. UTTAR DIMAKUCHI, P.O. DIMAKUCHI, DISTRICT-
UDALGURI, ASSAM, PIN 784526

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, DEPARTMENT OF SECONDARY EDUCATION
DISPUR, GUWAHATI-6

2:THE BODOLAND TERRITORIAL COUNCIL
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE BODOLAND
TERRITORIAL COUNCIL
KOKRAJHAR
P.O. KOKRAJHAR
ASSAM
PIN-783370.

3:THE SECRETARY
BODOLAND TERRITORIAL COUNCIL
DEPARTMENT OF EDUCATION
KOKRAJHAR
P.O. KOKRAJHAR
ASSAM
PIN-783370.

4:THE DIRECTOR OF EDUCATION
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
ASSAM
PIN-783370.

5:THE INSPECTOR OF SCHOOLS
UDALGURI DISTRICT CIRCLE
UDALGURI
P.O. AND DISTRICT- UDALGURI
ASSAM
PIN 784509

6:THE PRINCIPAL
SEKHAR SANKARDEV MISSION HIGHER SECONDARY SCHOOL
DIMAKUCHI
P.O. DIMAKUCHI
DISTRICT- UDALGURI
PIN- 784526.

7:THE PRESIDENT
SCHOOL MANAGEMENT AND DEVELOPMENT COMMITTEE
SEKHAR SANKARDEV MISSION HIGHER SECONDARY SCHOOL
P.O. DIMAKUCHI
DISTRICT- UDALGURI
ASSAM
PIN-784526.

8:BIPIN BAGLARY
ASSISTANT TEACHER
SEKHAR SANKARDEV MISSION HIGHER SECONDARY SCHOOL
P.O. DIMAKUCHI
DISTRICT- UDALGURI
ASSAM
PIN-78452

Advocate for the Petitioner : MR S ALI, MR K DAS
Advocate for the Respondent : SC, SEC. EDU., SC, BTC

BEFORE

HON'BLE MR. JUSTICE NELSON SAILO

O R D E R

30.03.2026

Heard Mr. K. Das, learned counsel for the petitioner, Mr. B.C. Musahary, learned Standing Counsel, BTC appearing for respondent Nos. 2 to 5 and Mr. S.M.T Chistie, learned Standing Counsel, Secondary Education Department, appearing for respondent No.1. Having regard to the nature of the case

projected by the petitioner, the writ petition is taken up for disposal at this stage.

2. According to the petitioner, the incumbent Principal of Sekhar Sankardev Mission Higher Secondary School, Dimakuchi in the district of Udalguri, is demitting office upon attaining the age of superannuation on 31.03.2026 and the petitioner being the senior most teacher, who is qualified and eligible to be considered for appointment as an in-charge Principal of the said school, apprehends that despite having been recommended by the Principal of the school by placing his name at Serial No.1 to hold the in-charge Principal of the school concerned and also despite the recommendation made by the School Management and Development Committee of the said school to the Director of Secondary Education, Assam on 15.03.2026, he will not be considered for the said post and instead the private respondent No.8 is going to be appointed as an in-charge Principal.

3. Mr. B.C Musahary, learned Standing Counsel, BTC submits that the writ petition is not maintainable since it is premature. He submits that the incumbent Principal is yet to demit office and therefore, the apprehension made by the petitioner is unfounded and the writ petition should be dismissed.

4. According to the petitioner, by putting political pressure on the respondent authorities concerned, the petitioner has learnt from reliable sources that despite various allegations and shortcomings made against the respondent No.8, he is going to be appointed as the in-charge Principal of the school and therefore, the petitioner has approached this Court through the instant writ petition seeking for an observation that the determination made in favour of the petitioner by the Principal of the school as well as the

School Management and Development Committee should be taken into consideration prior to filling up the post of Principal once the incumbent retires on superannuation.

5. From the above projection, this Court is of the considered view that the projection made by the petitioner is basically an apprehension and that this Court would not like to dwell deep on the apprehension projected by the petitioner since the post is going to be vacated only by 31.03.2026.

6. Learned counsel for the rival parties also agree that the criteria for filling up the post of Principal has been provided under Rule-12 of the Assam Secondary Education (Provincialised Schools) Rules, 2018 and therefore, taking into account the considerations made as provided under the said Rules, it would be incumbent on the part of the respondent authorities to take into consideration the provisions provided therein while filling up the post of Principal of the school concerned.

7. Therefore, the writ petition is disposed of with a direction to the respondent authorities concerned to take into consideration the relevant provision of the Assam Secondary Education (Provincialised Schools) Rules, 2018, more particularly, Rule-12 for filling up the post of Principal of the school concerned and that the respondent authorities should not be swayed by any other extraneous consideration not provided by the Rules and guidelines in force.

8. With the above observations and direction, the writ petition stands disposed of.

JUDGE

Comparing Assistant