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

Case No. : WP(C)/2249/2025

AZIZAR RAHMAN
S/O- MD KHABIR ALI, R/O- VILL- DUMUNICHOWKI, P.O- MARUACHOWKI,
P.S SIPHAJHAR, DIST- DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM AND 7 ORS.
REPRESENTED BY THE SECRETARY, GOVERNMENT OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION, DISPUR, GUWAHATI- 06

2:THE COMMISSIONER AND SECRETARY
GOVERNMENT OF ASSAM
DEPARTMENT OF FINANCE
DISPUR
GUWAHATI-6

3:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19

4:THE STATE LEVEL SCRUTINY COMMITTEE
REPRESENTED BY ITS CHAIRMAN CUM DIRECTOR OF SECONDARY
EDUCATION
ASSAM FOR PROVINCIALISATION OF SERVICE
KAHILIPARA
GHY-19

5:THE INSPECTOR OF SCHOOLS
DDC
DARRANG
P.O.- MARUWACHOWKI

DIST- DARRANG
ASSAM

6:THE DISTRICT SCRUTINY COMMITTEE
REPRESENTED BY THE CHAIRMAN CUM DISTRICT COMMISSIONER
DARRANG
P.O. AND DIST- DARRANG
ASSAM

7:THE PRINCIPAL OF BARNOI SENIOR SECONDARY SCHOOL
DUMUNICHOWKI
P.O.- MARUACHOWKI
DIST- DARRANG
ASSAM

8:KESHAB BARUA
S/O LT. DEHIRAM BORA
R/O SINGIMARI
P.O.- KHANDAJAN
DIST- DARRANG
ASSAM
PIN-78414

Advocate for the Petitioner : MR. M KHAN, MS J AKTAR,MR A K DAS

Advocate for the Respondent : SC, SEC. EDU., MR. S. ALOM(R-8),MR. M S MONDAL(R-7),MR. D A KAIYUM (R-7),MR. M A I HUSSAIN (R-8),GA, ASSAM,SC, FINANCE

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 28.07.2026

Heard Mr. M. Khan, learned counsel, appearing for the petitioner. Also heard Mr. P. P. Dutta, learned Standing Counsel, Secondary Education Department as well Mr. M.A. I. Hussain, learned counsel, appearing for the respondent no.8.

2. Mr. P. P. Dutta, learned Standing Counsel, on instructions has submitted that, although persons working as a Library Assistant in Junior College/Senior Secondary

Schools were provincialised by only reckoning the Graduate qualification possessed by them. It is submitted that the requisite qualification for provincialisation against the post of Library Assistant is Diploma in Library Science. He submits that the petitioner not having the said qualification, he was not considered for provincialisation of his services under the provisions of the Assam Education (Provincialisation of Services of Non Teaching Staff of Venture Educational Institutions), Act, 2018.

3. Mr. P. P. Dutta, submits that although person not having the Diploma in Library Science were provincialised against the post of Library Assistant, the same was erroneous and the petitioner cannot be permitted to take advantage of the said position. It is further submitted by Mr. Dutta, that the petitioner otherwise, is also not eligible for provincialisation of his services, inasmuch as, there is a dispute with regard to his actual date of engagement.

4. Mr. M.A.I. Hussain, learned counsel, also support the said submissions made by Mr. P. P. Dutta, learned Standing Counsel, Secondary Education Department.

5. The said stand of the respondents having come on record, matter would now be required to be further considered after providing an opportunity to the learned counsel for the petitioner, to make his submissions on the said aspects of the matter.

6. Registry to list this matter again on **17.08.2026**, for further hearing.

JUDGE

Comparing Assistant