

GAHC010092882025



undefined

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

Case No. : WA/247/2025

BABUL BORAH
SON OF LATE GHANA BORAH, RESIDENT OF VILLAGE NAPAMUA, P.O-
CHUNGI, DISTRICT- JORHAT, ASSAM, PIN-785616.

VERSUS

1.THE SECRETARY DEPARTMENT OF SCHOOL EDUCATION
GOVT. OF ASSAM, DISPUR, GUWAHATI-06.

2:THE STATE LEVEL SCRUTINY COMMITTEE
REPRESENTED BY THE DIRECTOR OF ELEMENTARY EDUCATION
KAHILIPARA GHY-19 KAMRUP(M) ASSAM.

3:THE DISTRICT SCRUTINY COMMITTEE JORHAT DIST.
REPRESENTED BY THE DEPUTY COMMISSIONER JORHAT DIST.

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
JORHAT DIST.

5:THE BLOCK ELEMENTARY EDUCATION OFFICER
TITABOR DIST. JORHAT.

6:DEVANONDA BARUAH
TUTOR SCIENCE OFFICE OF THE NAPOMUA ME SCHOOL
VILL. NAPOMUA P.O. CHUNGI BLOCK TITABOR
DIST. JORHAT ASSAMPIN 785616

7:HIRAMONI BORAH
(ERSTWHILE HEAD MASTER)
NAPOMUA ME SCHOOL VILL. NAPOMUA
P.O. CHUNGI BLOCK TITABOR
DIST. JORHAT ASSAM PIN 78561

For the Appellant(s) : Mr. B.K. Das, Advocate.
For the Respondent(s) : Ms. R.B. Bora, Junior Government Advocate, Assam.
: Mr. R. Phukan, Advocate.

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

17.09.2025

(Ashutosh Kumar, CJ)

Mr. R. Phukan, learned Advocate has appeared for the respondent No.6.

Let a copy of the brief be served upon him during the course of the day.

The contention of the appellant is that he was the senior-most teacher in the school having joined in service on 23.09.1998; whereas the respondent No.6 joined on 13.07.2011 as a Science Teacher, which is after the cut-off date of 31.12.2010, provided under the Assam Education (Provincialisation of Services of Teachers and Re-organisation of Educational Institutions) Act, 2017.

In any view of the matter, the appellant has argued, the service of respondent No.6 could not have been considered for provincialisation.

The appellant preferred Educational Tribunal Case No.2/2020 before the Tribunal at Jorhat, seeking provincialisation of his service. While the petition was pending before the Tribunal, the service of respondent No.6 was provincialized.

In the estimation of the appellant, his case before the Tribunal had become infructuous. The appellant thought that it would be better to contest the provincialisation of the service of respondent No.6 before an appropriate forum, which he did by filing WP(C) No.3285/2021.

In the afore-noted writ petition, stay was granted on the provincialisation

of the service of respondent No.6 on *prima facie* finding that the appellant was senior to respondent No.6.

It was in these circumstances that the appellant chose to withdraw the case before the Educational Tribunal only for the purposes of pursuing the writ petition which he had filed.

However, while withdrawing the petition before the Tribunal, it was mentioned by the lawyer of the appellant that the withdrawal is on account of compromise between the parties.

The appellant submits that there could be no compromise in service matters. He laments that on that ground, his writ petition has been dismissed.

The matter is required to be heard.

The learned counsel for the respondent No.6 may file his response in the matter, if so deemed necessary, by the next date.

Re-notify on 07.11.2025.

JUDGE

CHIEF JUSTICE

Comparing Assistant