

GAHC010093262026



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

**Case No. : WP(C)/2611/2026**

MD. HIFJUR RAHMAN  
S/O MD. IDRISH ALI, R/O BECHAMARI, P.O.- BECHAMARI, P.S.- DHING,  
DIST- NAGAON, ASSAM

VERSUS

STATE OF ASSAM AND 2 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE  
GOVERNMENT OF ASSAM, DEPARTMENT OF SCHOOL EDUCATION,  
DISPUR, GUWAHATI- 781006

2:THE DIRECTOR OF SECONDARY EDUCATION  
ASSAM  
KAHILIPARA  
GUWAHATI-781019

3:THE INSPECTOR OF SCHOOLS  
NAGAON DISTRICT CIRCLE  
NAGAON  
ASSA

**Advocate for the Petitioner** : MR. D P BORAH, MR U GHOSH

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

**BEFORE  
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN**

**ORDER**

**Date : 20.05.2026**

Heard Mr. D.P. Borah, learned Counsel for the petitioner and Ms. P. Das, learned Standing Counsel for Secondary Education.

By this application filed under Article 226 of the Constitution of India, the petitioner has prayed for setting aside of Clause No.8 of the order dated 27.12.2023, by which it was ordered that seniority of the petitioner would be determined from the date of reporting in the school where he is transferred from his earlier school.

Mr. D.P. Borah, learned Counsel for the petitioner submits that the said clause is against the law laid down in said Section 11 of Assam Elementary and Secondary School Teachers ( Regulation of Posting and Transfer Act), 2020 which provides that transfer of a Teacher at his request or otherwise shall not in any way effect his original seniority in the respective cadre. He has also placed a judgment of this Court in writ petition no. 2646/2024 by which a similar Clause No.8 in respect of another employee was set aside and quashed and the seniority was directed to be maintained as per Section 11 of the said 2020 Act.

Ms. P. Das, learned Standing Counsel for Secondary Education, however, submits that she may be given some time to obtain instructions as regards the law point involved that whether a transferred teacher would get his seniority as per his seniority in the respective cadre or from the date of reporting to his new

place.

List this matter again on 03.06.2026.

**JUDGE**

**Comparing Assistant**