

GAHC010097602023



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

Case No. : WA/184/2023

1: KANAK CHANDRA DEKA AND 2 ORS.
S/O SUKLASWAR DEKA
R/O DHEKIPARA P.O. DHEKIPARA DIST. DARRANG, ASSAM PIN-784145
(WORKING AS ASSISTANT TEACHER IN KARCHARIDAL HIGH SCHOOL)

2: PRATUL SARMA
S/O MAKI NATH SARMA
R/O GOPALPUK P.O. SIPAJHAR DIST. DARRANG ASSAM PIN-784145
(WORKING AS ASSISTANT TEACHER IN DAHI GIRLS HIGH SCHOOL)

3: KUL BAHADUR CHETRY
S/O LATE PREM BAHADUR CHETRY
R/O BARNAGAON P.O. BARNAGAON DIST. UDALGURI ASSAM PIN-784509
(WORKING AS ASSISTANT TEACHER IN BACHIMARI H.S. SCHOOL)

VERSUS

1: THE STATE OF ASSAM AND 4 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
EDUCATION (SECONDARY) DEPARTMENT, DISPUR, GUWAHATI-6.

2: THE SECRETARY TO THE GOVT. OF ASSAM
FINANCE (BUDGET) DEPARTMENT DISPUR GUWAHATI-6.

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

4: THE INSPECTOR OF SCHOOLS
DARRANG DISTRICT CIRCLE DIST. DARRANG ASSAM

5: THE INSPECTOR OF SCHOOL
UDALGURI DISTRICT CIRCLE DISTRICT- UDALGURI ASSAM

Linked Case : WA/185/2023

1: BHADRA KANTA BORAH AND 6 ORS.
S/O. LT. KHUMAN CHANDRA BORAH
VILL. SRIMANTA PUR P.O. POTHALIPAM DIST. LAKHIMPUR
PIN-787034 ASSTT. TEACHER S.B. BODO HIGH SCHOOL.

2: GHANAKANTA DOLEY
S/O. LT. PUNAI DOLEY
VILL. MOHAOUI CAMP P.O. UKHAMATI DIST. DHEMAJI
PIN-787056 ASSTT. TEACHER JONAI HIGHER SECONDARY SCHOOL.

3: GAGAN KATUWAL CHETRY
S/O. SRI DURGA KATUAL CHETRY
VILL. MOHARI CAMP P.O. UKHAMATI DIST. DHEMAJI
PIN-787056 ASSTT. TEACHER S.B. BODO HIGH SCHOOL.

4: PRAFULLA PEGU
S/O. LT. UMAKANTA PEGU
VILL. UALAMGURI P.O. MINGMANG DIST. DHEMAJI
PIN-787034 ASSTT. TEACHER TELEM TRIBAL HIGH SCHOOL.

5: MANOJ KR. CHETRY
S/O. LT. NARA BAHADUR CHETRY
VILL. MOHARI CAMP P.O. UKHAMATI DIST. DHEMAJI
PIN-787056 ASSTT. TEACHER SISSIMUKH H.S. SCHOOL.

6: MUHIRAM BORGHAIN
S/O. LT. GOLAP GORGOHAIN
VILL. KACHUTALI MAJGAON P.O. UKHAMATI P.S. GOGAMUKH
DIST. DHEMAJI PIN-787056 ASSTT. TEACHER CHEMENMUKH HIGH
SCHOOL.

7: DINA NATH MILI
S/O. LT. MOHEN MILI
VILL. KACHUTALI P.O. UKHAMATI DIST. DHEMAJI PIN-787056
ASSTT. TEACHER KACHUTALI HIGH SCHOOL.

VERSUS

1: THE STATE OF ASSAM AND 4 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM
EDUCATION DEPTT. DISPUR GUWAHATI-06.

2: THE SECRETARY TO THE GOVT. OF ASSAM
FINANCE (BUDGET) DEPTT. DISPUR GUWAHATI-06.

3: THE DIRECTOR OF SECONDARY EDUCATION

ASSAM KAHILIPARA GUWAHATI-19.

4:INSPECTOR OF SCHOOLS
DHEMAJI DISTRICT CIRCLE DHEMAJI.

5:THE COMMISSIONER AND SECY.
PENSIONB AND PUBLIC GRIEVANCE DEPTT. DISPUR GUWAHATI-06.

For the Appellants : Mrs. K. Devi, Advocate.
Ms. S.A. Khalifa, Advocate.

For the Respondents : Mr. D. Saikia, Advocate General, Assam, assisted by Mr. D. Nath,
Senior Government Advocate, Assam.
: Mr. A. Chaliha, Standing Counsel, Finance Department.

- B E F O R E -
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

02.06.2023

We find that there are a large number of cases pertaining to issues arising from provincialisation of teachers, which have seen multiple round of litigations in this Court for couple of decades. These two appeals are also a part of the said legacy.

Thus, in order to give a quietus to these unending series of litigations, it is proposed to club all cases pertaining to provincialisation and other ancillary issues and place the same before a Special Division Bench, which shall proceed to consider all those cases by taking appropriate measures for issue-wise grouping of the same and, thereafter, the matters shall be taken up preferably on day to day basis.

Registry shall take steps to club all these matters including Single Bench writ petitions, Division Bench writ petitions and writ appeals within 3(three) weeks.

Mr. R. Majumdar, Mr. N.J. Khataniar and Mr. S.M.T. Chistie, learned counsel representing the Education Department, shall under the guidance of the learned Advocate General, Assam, prepare a list of all such cases and provide the same in the Registry within next 3(three) weeks. They shall also assist the Special Division Bench.

These two appeals shall be admitted and shall also be listed before the Special Division Bench along with other cases.

The Registry shall seek appropriate instructions for constitution of the Special Bench and listing of the cases.

JUDGE

CHIEF JUSTICE

Comparing Assistant