

GAHC010109732023



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

Case No. : WP(C)/2909/2023

AMIYO KUMAR DAS
S/O- DILIP KUMAR DAS,
VILL. CHANDRAPUR PART-I,
P.O. AND P.S. LALA,
DIST.- HAILAKANDI, ASSAM.
PIN- 788163.

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION,
DISPUR, GUWAHATI-6.

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19

Advocate for the Petitioner : MR. S B LASKAR

Advocate for the Respondent : SC, ELEM. EDU

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

24.05.2023

Heard Shri S.B. Laskar, learned counsel for the petitioner.

It is the case of the petitioner that pursuant to an advertisement dated 11.02.2023, he had applied for the post of Assistant Teacher in any L.P. School in the district of Hailakandi. The petitioner belongs to the Scheduled Caste category.

The petitioner is aggrieved by the fact that his name is not enlisted in the provisional merit list in spite of the fact that he had secured a total mark of 205.47 whereas the cut off marks in SC category is 204.63.

On the other hand, Shri B. Kaushik, learned Standing Counsel of the Department has submitted that the projection made is fallacious. He submits that the documents annexed to the writ petition would reveal that the petitioner had passed his Higher Secondary Examination in the year 2011 which was followed by a betterment examination in the year 2012 which have been taken into consideration. However, the petitioner has relied upon a mark sheet of Senior Secondary School Examination held in the year 2022 under the National Institute of Open Schooling. He submits that the entire concept of betterment examination has been sought to be misinterpreted by the petitioner.

Be that as it may, let notice be issued, returnable by 4 (four) weeks.

Shri Kaushik, the learned Standing Counsel accepts notice on behalf of both the respondents.

Let extra copies of the writ petition be served upon him by tomorrow, i.e., 25.04.2023.

Since it is submitted that more vacancies are likely to arise, in the event the petitioner is successful, this Court would consider passing appropriate orders for his appointment.

JUDGE

Comparing Assistant