

GAHC010109732023



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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, MS D DUTTA,MS N KALITA,MR. H A
LASKAR

Advocate for the Respondent : SC, ELEM. EDU,

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

Date : 22.01.2026

An Advertisement was issued on 11.02.2023 by the Directorate of Elementary Education for filling up of 3887 vacancies of Assistant Teacher of L.P.

School and the petitioner also participated in the process. According to the petitioner although he scored 205.45 marks as per his own calculation which is more than the last selected candidate in respect of the Schedule Caste Category scoring 204.100, the petitioner has not been selected and appointed. According to the petitioner, he had secured 313 (+ - 05) marks in the Higher Secondary Examination of 2011, he again appeared for betterment examination conducted in the year 2012 and secured a total of 233 marks. Thereafter, the petitioner again appeared for betterment marks in the year 2022 conducted by the National Institute of Open Schooling and secured 326 marks. According to the petitioner by adding 63 marks which the petitioners got in betterment examination conducted in 2012, the petitioner would be getting a total marks of 389 marks and thereby earning a percentage of 205.47 in aggregate which then becomes more than the last selected candidates from the SC category.

The respondent, Elementary Education Department through its Director has filed their affidavit-in-opposition and a stand taken is that Government of Assam in the Department of School Education on 28.02.2023 had issued an order with regard to the manner in which the physical document verification is to be done for the candidates who appeared in the selection in terms of the Advertisement dated 11.02.2023. Although the said order does not specifically provides that a candidate cannot apply or sit for more than one betterment, the instruction given by the Director of Elementary Education to the NEICOM impression on 28.02.2023 (Annexure B of the counter affidavit) at Clause 3 provides that betterment mark sheet in no condition can be more than one and therefore, there cannot be any question of accepting any alternative betterment improvement mark sheet. The same appears to be the reason for denying the petitioner to be considered for the post in question by not accepting the

betterment marks obtained by him in the examination conducted in the year 2022 by National Institute of Open Schooling.

In view of above, Mr. B. Talukdar, learned Standing Counsel, Elementary Education Department shall obtain instructions as to whether there can be any restriction for not considering the betterment marks other than the first betterment marks by the next date.

List the matter again on 05.03.2026.

JUDGE

Comparing Assistant