

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, 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 : 05.03.2026**

The issue involved in the instant case is as to whether the marks obtained by the petitioner under the National Institute of Open School can be considered as betterment/improvement marks entitling consideration of the same for being appointed as an Assistant Teacher of L.P. School in terms of the Advertisement dated 11.02.2023 (Annexure – 3). Further, whether the marks obtained from the National Institute of Open School (NIOS) can be considered as one of such institute i.e., SOS as mentioned in the 2<sup>nd</sup> last paragraph of the Order dated 28.02.2023 (Annexure – A of the affidavit-in-opposition filed by the respondent No. 2). The issue thus to be considered is as to whether the marks obtained under the NIOS can be considered as the betterment marks of the first examination undertaken by the petitioner in the Higher Secondary School level in the year 2011 under the Assam Higher Secondary Education Council.

In order to through more light on the issue, Mr. B. Kaushik, learned Standing Counsel, Higher Education Department, Govt. of Assam, shall produce the following:-

- (i) Notification under Memo No. AHSEC/SOS/Adm/Online/2020/70/8137 dated 14.03.2022 appearing in 3<sup>rd</sup> paragraph of the Order dated 28.02.2023 (Annexure – A of the affidavit-in-opposition of the respondent No. 2), and
- (ii) Office letter under Memo No. E.255733/22 dated

02.03.2023, which appears to have been issued by the Director of Elementary Education, Government of Assam.

The above documents should be produced by the next date.

List the matter again on 26.03.2026.

**JUDGE**

**Comparing Assistant**