

GAHC010115092021



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

**Case No. : WP(C)/3633/2021**

DIPALI HAZARIKA AND 4 ORS.  
W/O SHRI HIROK KUMAR SAIKIA  
RESIDENT OF MOIDOMIA, PO MOIDOMA, 787032, PS NORTH  
LAKHIMPUR, LAKHIMPUR ASSAM,

2: DR. BOBITA ENGTIPI  
W/O LATE MENSING ENGHI  
RESIDENT OF K. RONGKANGTUI  
HAFLONG  
PO AND PS HAFLONG  
DIST DIMA HASAO  
788819

3: PARBIN SULTANA LASKAR  
W/O MUSTAQUE HUSSAIN MAZUMDAR  
CRYSTAL APARTMENT  
SONAI ROAD  
PO KANAKPUR PART I  
788006  
PS RANGHIR KHARI OUT POST  
DIST CACHAR  
ASSAM

4: SMTI MANIMALA GOGOI  
D/O PITHU RAM GOGOI  
RESIDENT OF JYOTI NAGAR  
COMMERCE COLLEGE ROAD  
PO AND DIST GOLAGHAT  
ASSAM 785621

5: SHRI RAMAKANTI ROY  
S/O UPENDRA NARAYAN ROY  
RESIDENT OF BIR CHILARAI PATH  
WARD NO. 5

PO AND PS GOALPARA  
ASSAM  
78310

VERSUS

THE STATE OF ASSAM AND 3 ORS.  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM, SECONDARY EDUCATION DEPARTMENT, DISPUR GUWAHATI  
78005

2:THE SECRETARY  
TO THE GOVT. OF ASSAM  
SECONDARY EDUCATION DEPARTMENT  
DISPUR  
GUWAHATI  
ASSAM 781006

3:THE DIRECTOR OF SECONDARY EDUCATION  
ASSAM KAHILIPARA  
GUWAHATI 781019

4:THE JOINT DIRECTOR  
SECONDARY EDUCATION  
ASSAM  
KAHILIPARA  
GUWAHATI 78101

**Advocate for the Petitioner** : MR. P J SAIKIA

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

**BEFORE**  
**HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA**

**O R D E R**

**11.08.2021**

Heard Mr. PJ Saikia, learned counsel for the petitioners and Mr. SMT Chisti, learned counsel for the respondents.

Issue notice returnable in two weeks. Extra copies of the writ petition be

furnished to the learned counsel within three days.

The petitioners herein who are all Post Graduate Teachers in different Government Higher Secondary Schools are aggrieved by the Annexure-F provisional common seniority list dated 15.07.2021 in respect of the Graduate and Post Graduate Teachers of Government Secondary Schools of Assam prepared under Rule 25(3) of the Assam Secondary Education (Government Schools) Service Rules, 2020 (in short Rules of 2020).

Mr. PJ Saikia, learned counsel for the petitioners draws the attention of the Court to the provisions of Rules 25(1) and 25(2) of the Rules of 2020, which requires preparation and publishing of a cadre wise seniority list. Initially the draft seniority list is to be published inviting objections and thereafter the final gradation list. After the final gradation list cadre wise under Rule 25(3), a draft common seniority list of the Graduate Teachers and the Post Graduate Teachers of the Higher Secondary School is to be published.

According to Mr. PJ Saikia, learned counsel for the petitioner, in the instant case the required procedure of Rules 25(1) and 25(2) i.e. first preparing a cadre wise seniority list and thereafter preparing the common seniority list under Rule 25(3) had not been followed.

In view of the prima-facie case being made out to the extent of aberration of the procedure under Rules 25(1) and 25(2) of the Rules of 2020 and considering the balance of convenience as well as the irreparable loss that the petitioners may suffer, in the interim, it is provided that until further orders the provisional common seniority list of the Graduate and Post Graduate Teachers of Government Secondary Schools published by the order dated 15.07.2021 of the Director of Secondary Education, Assam be not given any effect.

It is stated that the petitioners have also filed representations raising the aforesaid grievance. Pendency of this writ petition shall not be a bar on the part of the respondents to give an appropriate consideration of the representations.

List the matter after two weeks.

**JUDGE**

**Comparing Assistant**