

GAHC010115092026



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

Case No. : WP(C)/3056/2026

SMTI NIKUNJA GOGOI
WIFE OF SRI PRATAP BARMAN, VILLAGE-SHANTIPUR, KONWARGAON,
P.O. RAMYAPUR, P.S. SILAPATHAR, DISTRICT- DHEMAJI, PIN- 787060,
ASSAM

VERSUS

THE STATE OF ASSAM AND 9 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION, DISPUR, GUWAHATI-781006

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-781019.

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER (DEEO)
DHEMAJI
DISTRICT
PIN 787060.

4:THE BLOCK ELEMENTARY EDUCATION OFFICER
DHEMAJI
DISTRICT
PIN-787060

5:THE STATE LEVEL HIGH POWER COMMITTEE
REPRESENTED BY THE SENIOR MOST SECRETARY TO THE GOVT. OF
ASSAM
EDUCATION DEPARTMENT
GUWAHATI
PIN- 781006

6:THE DISTRICT SCRUTINY COMMITTEE
REPRESENTED BY ITS CHAIRMAN CUM DISTRICT COMMISSIONER
DHEMAJI
DISTRICT
PIN- 787060.

7:SRI SURJYA KONWAR
HEADMASTER
SANTIPUR M. E. SCHOOL
DHEMAJI
P.O.- ROMYAPUR
DHEMAJI
ASSAM
PIN-787060

8:SRI SUNIL BORAH
ASSISTANT TEACHER
SANTIPUR M. E. SCHOOL
DHEMAJI
P.O. ROMYAPUR
DHEMAJI
ASSAM
PIN 787060

9:SRI BIPIN GOGOI
SON OF LATE MEDANG GOGOI OF VILLAGE - SHANTIPUR
KONWARGAON
P.O. RAMYAPUR
P.S. SILAPATHAR
DISTRICT- DHEMAJI
PIN- 787060
ASSAM. (FOUNDER HEADMASTER OF SANTIPUR M. E. SCHOOL
DHEMAJI).

10:SRI PADMESWAR GOGOI
SON OF LATE NIRAM GOGOI OF VILLAGE -SHANTIPUR
KONWARGAON
P.O. RAMYAPUR
P.S. SILAPATHAR
DISTRICT- DHEMAJI
PIN- 787060
ASSAM. (FOUNDER PRESIDENT OF SANTIPUR M. E. SCHOOL
DHEMAJI

Advocate for the Petitioner : MR. A DEKA,
Advocate for the Respondent : GA, ASSAM, SC, ELEM. EDU

**BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 12.06.2026

Heard Mr. Abani Deka, learned counsel for the petitioner. Also heard Ms. N. Phukan, learned standing counsel, Elementary Education Department, appearing on behalf of respondents No. 1, 2, 3, 4 & 5, and Ms. K. Phukan, learned Government Advocate, appearing on behalf of respondent No. 6.

2. By way of filing the present writ petition under Article 226 of the Constitution of India, the petitioner has challenged the order dated 04.05.2026 whereby while observing that there is no discrepancy in the appointment date of one Shri Sunil Borah (respondent No. 8, herein) as Tutor in Santipur M.E. School, Dhemaji, and thus, the respondent No. 8 is declared to be senior, and rejected the claim of the petitioner for provincialization of her service.

3. Having regard to the submissions made by the learned counsel for the petitioner and upon perusal of the materials placed on record, let a notice of motion be issued to the respondents to show cause as to why a writ in the nature of mandamus/certiorari and/or any other appropriate writ of like nature should not be issued as prayed for, and/or as to why such other order or orders as to this Court may deem fit and proper, should not be passed in the facts and circumstances of the case. The notice is made returnable within 4(four) weeks.

4. As Ms. Phukan, learned standing counsel, Elementary Education Department, and Ms. Phukan, learned Government Advocate, have appeared and accepted notice on behalf of their respective respondents, no formal notice is required to be issued to the said respondents. However, they shall be furnished with the requisite extra copies of the petition within a week from today.

- 5.** Learned counsel for the petitioner shall take necessary steps for causing service of notice upon the respondent Nos. 7, 8, 9 & 10, by Speed Post as well as by usual process within a week from today.
- 6.** It is stated at the Bar that for proper consideration of the matter, the Original Proceeding Book of Santipur M.E. School, Dhemaji, would be necessary.
- 7.** In view of the above, Ms. Phukan, learned standing counsel, Elementary Education Department, shall produce before the Court, the Original Proceeding Book of Santipur M.E. School, Dhemaji, in connection with the petitioner's case, on the next date of listing.
- 8.** List it after 4(four) weeks on a date to be fixed by the Registry.

JUDGE

Comparing Assistant