

GAHC010148142023



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

Case No. : WP(C)/4431/2023

1. BHUPEN CHANDRA SAIKIA AND 25 ORS
(RTD. ASSTT. HEAD MASTER OF NOVODOI HIGH SCHOOL
PANBARI LAKHIMPUR)
S/O-LATE GHANASHYAM SAIKIA
R/O-VILL. AND P.O-PANBARI DISTRICT- LAKHIMPUR ASSAM.

2: SRI RAM PRASAD SAHU
(RTD. ASSTT. TEACHER OF NOVODOI HIGH SCHOOL
PANBARI LAKHIMPUR)
S/O-LATE BANASHI SAHU
R/O-VILL- AND P.O-PANBARI DISTRICT- LAKHIMPUR ASSAM.

3: MRS. BASANTI BHAGAWATI
(RTD. ASSTT. TEACHER OF NOVODOI HIGH SCHOOL
PANBARI LAKHIMPUR)
W/O-RADHA GOSWAMI
R/O-VILL. AND P.O-PANBARI DISTRICT- LAKHIMPUR ASSAM.

4: BANTI DEVI
(RTD. ASSTT. TEACHER OF NOVODOI HIGH SCHOOL
PANBARI LAKHIMPUR)
W/O-TRIPURESWAR THAKUR
R/O-VILL. AND P.O-PANBARI DISTRICT- LAKHIMPUR ASSAM.

5: ATUL CHANDRA SARMAH
(RTD. ASSTT. TEACHER OF RAJIB GANDHI HIGH SCHOOL LAKHIMPUR)
S/O-LATE SIVA NATH SARMA
R/O-VILL. AND P.O-PANBARI DISTRICT- LAKHIMPUR ASSAM.

6: ARUNA SAIKIA
(RTD. ASSTT. TEACHER OF BORELENGERI SANKARDEV H.S SCHOOL
LAKHIMPUR)

D/O-LAKHMAN SAIKIA
R/O-VILL. AND P.O-LAHOTIAL DISTRICT-LAKHIMPUR ASSAM.

7: RINKU MONI SAIKIA
(RTD. ASSTT. TEACHER OF JANAKALYAN MITHARAM ADARSHA HIGH
SCHOOL LAKHIMPUR)
W/O-DURGESWAR BORAH
R/O-VILL.-GHURIA GAON P.O-HOWAJAN DISTRICT-SONITPUR ASSAM.

8: GOPAL CH. BORAH
(RTD. ASSTT. TEACHER OF BANDERDEWA HIGH SCHOOL
LAKHIMPUR)
S/O-LATE GUNARAM BORAH
R/O-VILL. AND P.O-KAMALPUR DISTRICT- LAKHIMPUR ASSAM.

9: JOGA MAYA BORAH
(RTD. ASSTT. TEACHER OF BANDERDEWA HIGH SCHOOL
LAKHIMPUR)
W/O-DIBYADHAR BORAH
R/O-VILL.-DEOTOLA P.O-BHOGPUR DISTRICT- LAKHIMPUR ASSAM.

10: SARADI PHUKAN BORAH
(RTD. ASSTT. TEACHER OF NAMONI DIKRONG HIGH SCHOOL
LAKHIMPUR)
W/O-BHEBASH BORA
R/O-WARD NO.2 BISWANATH P.O-DRIKONG
DISTRICT-BISWANATH ASSAM.

11: MOHENDRA BORAH
(RTD. JUNIOR ASSTT. OF BORKHET MOTIA HIGH SCHOOL
LAKHIMPUR)
S/O-LATE BAPURAM BORAH
R/O-VILL.-NO.2 MOTIA P.O-BORBALI
DISTRICT-LAKHIMPUR ASSAM.

12: LOKESWAR BORAH
(RTD. ASSTT. TEACHER OF SANKARDEV HIGH SCHOOL
LAKHIMPUR)
S/O-LATE BHUSAN BORAH
R/O-WARD NO.1 BIHPURIA TOWN
DISTRICT-LAKHIMPUR ASSAM.

13: BHABEN HAZARIKA
(RTD. ASSTT. HEAD MASTER OF BHIMBOR DEURI HIGH SCHOOL
LAKHIMPUR)
S/O-LATE HARIPAD HAZARIKA
R/O-VILL.-BADATI JAMUGURI
P.O-JAPJUP DISTRICT- LAKHIMPUR ASSAM.

14: GIRIDHAR HAZARIKA
(RTD. ASSTT. TEACHER OF BALIJAN GIRLS HIGH SCHOOL
BISWANATH)
S/O-KHAGESWAR HAZARIKA
R/O-VILL.-KOTAICHUK P.O-BRAHMAJAN
DISTRICT-BISWANATH ASSAM.

15: DEBA MAHANTA
(RTD. ASSTT. TEACHER OF GAMIRIGHAT HIGH SCHOOL
LAKHIMPUR)
S/O-RUDRA MAHANTA
R/O-VILL.-APHARAKHAT P.O-GHAHIGAON
DISTRICT- LAKHIMPUR ASSAM.

16: SOBHAN SARMAH
(RTD. ASSTT. TEACHER OF GAMIRIGHAT HIGH SCHOOL
LAKHIMPUR)
S/O-LATE BENUKANTA SARMAH
R/O-VILL.-MIRIPATHAR P.O-GAMIRI
DISTRICT- LAKHIMPUR ASSAM.

17: BHIM LAL SAPKOTA
(RTD. ASSTT. TEACHER OF DIPORA HIGH SCHOOL
BISWANATH)
S/O-LATE NARAYAN SAPKOTA
R/O-VILL.-DIPORA P.O-DIPORA
DISTRICT-BISWANATH ASSAM.

18: NANDI SAIKIA
(RTD. ASSTT. TEACHER OF GAMIRIGHAT HIGH SCHOOL
LAKHIMPUR)
S/O-LATE KHAGESWAR SAIKIA
R/O-VILL.-MORANBARI P.O-DIPARA PUKHURI
DISTRICT- LAKHIMPUR ASSAM.

19: MADRIKA SARMAH
(RTD. ASSTT. TEACHER OF PUB BUROI HIGH SCHOOL
SONITPUR)
S/O-LAKSMIDAS BAJGAIN
R/O-VILL.-RANGCHALI SONARI
P.O-JANATA DISTRICT-SONITPUR ASSAM.

20: RINA BORAH
(RTD. ASSTT. TEACHER OF BANDERDEWA HIGH SCHOOL
LAKHIMPUR)
W/O-GOLAP HAZARIKA
R/O-VILL.-PATHALIPATHER P.O-PATHALIPAHAHAR

DISTRICT-LAKHIMPUR ASSAM.

21: DALIMI BORUAH
(RTD. ASSTT. TEACHER OF THAKURDOLONI KAMALPUR HIGH SCHOOL
LAKHIMPUR)
W/O-PADMESWAR SAIKIA
R/O-VILL.-BORPATHAR NO.2 P.O-KAMALPUR
DISTRICT-LAKHIMPUR ASSAM.

22: BULUMONI SAIKIA
(RTD. ASSTT. TEACHER OF SANTI JYOTI HIGH SCHOOL LAKHIMPUR)
W/O-JATINDRA NATH BHUYAN
R/O-VILL.-JOYPUR P.O-BHOGPURPUR
DISTRICT-LAKHIMPUR ASSAM.

23: HARIPRASAD HAZARIKA
(RTD. ASSTT. TEACHER OF SANTI JYOTI HIGH SCHOOL LAKHIMPUR)
S/O-LATE BOPARAM HAZARIKA
R/O-VILL.-BHAKATGAON P.O-BORBALI
DISTRICT-LAKHIMPUR ASSAM.

24: DEBA KR. DEURI
(RTD. JR. ASSTT. OF SANTI JYOTI HIGH SCHOOL LAKHIMPUR)
S/O-LATE BALAM CH. DEURI
R/O-VILL.-JOIPUR PICHALA P.O-BHOGPUR
DISTRICT-LAKHIMPUR ASSAM.

25: BHABEN CH. SAIKIA
(RTD. ASSTT. TEACHER OF SANTI JYOTI HIGH SCHOOL LAKHIMPUR)
S/O-LATE HITESWAR SAIKIA
R/O-VILL.-JOIPUR PICHALA P.O-BHOGPUR
DISTRICT-LAKHIMPUR ASSAM.

26: UPEN CHANDRA SAIKIA
(RTD. ASSTT. TEACHER OF PUB- DIKRONG HIGH SCHOOL
LAKHIMPUR)
S/O-LATE SOMESWAR SAIKIA
R/O-VILL.-MORNOI THANGAL P.O-MORNOI KHARA
DISTRICT-LAKHIMPUR ASSAM.

VERSUS

1.THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
EDUCATION DEPARTMENT (SECONDARY) SACHIVALAYA
DISPUR GUWAHATI-781006 ASSAM

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

3:THE DIRECTOR OF PENSION ASSAM
HOUSE FED COMPLEX GUWAHATI-781006.

4:THE DEPUTY SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR GUWAHATI-781006.

For the Petitioner(s) : Ms. P. Borah, Advocate.
For the Respondent(s) : Mr. R. Mazumdar, Standing Counsel, Department of School
Education.
: Mr. A. Chaliha, Standing Counsel, Finance Department.

– BEFORE –
HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE KARDAK ETE

22.05.2025

(Vijay Bishnoi, CJ)

In this writ petition, the validity of the provisions of Section 8(2) and Section 8(5) of the Assam Education (Provincialisation of Services of Teachers and Re-organisation of Educational Institutions) Act, 2017 (in short, "the Act of 2017") are under challenge. However, it is noticed that the validity of the Act of 2017 has already been upheld by the Division Bench of this Court in ***Mohor Ali Sheikh & Ors. Vs. State of Assam & Anr.***, reported in ***2024 (5) GLT 689***.

Learned counsel appearing for the petitioners prays for some time to argue the matter.

Time prayed for is granted.

It is also noticed that the controversy involved in this writ petition is distinct from the other connected writ petitions and writ appeals listed today.

Therefore, this writ petition [WP(C) No.4431/2023] be detached from the connected writ petitions and writ appeals listed today and be listed separately for hearing after 2(two) weeks.

JUDGE

CHIEF JUSTICE

Comparing Assistant