

GAHC010120002025



2025:GAU-AS:13259

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

**Case No. : WP(C)/3345/2025**

SMTI MONI BORAH AND ANR  
W/O- SRI NILAMONI DUTTA, R/O- ATHAKOTIAGAON, P.O. AZAD, P.S.  
NORTH LAKHIMPUR, DIST. LAKHIMPUR, ASSAM

2: BISWAJIT CHETIA  
S/O- LATE MADAN CH. CHETIA  
R/O- NALKOTA BUALGURI  
P.O. BOGOLIJAN  
P.S. NORTH LAKHIMPUR  
DIST. LAKHIMPUR  
ASSA

VERSUS

THE STATE OF ASSAM AND 6 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM, SCHOOL EDUCATION DEPARTMENT, DISPUR, GUWAHATI-06,  
ASSAM

2:THE DIRECTOR  
SECONDARY EDUCATION  
ASSAM  
KAHILIPARA  
GUWAHATI-19.

3:THE DISTRICT LEVEL SCRUTINY COMMITTEE  
REPRESENTED BY THE DEPUTY COMMISSIONER  
LAKHIMPUR  
DIST. LAKHIMPUR  
ASSAM

4:THE INSPECTOR OF SCHOOLS  
NORTH LAKHIMPUR  
DIST. LAKHIMPUR

ASSAM

5:THE SCHOOL MANAGING COMMITTEE  
REPRESENTED BY THE PRESIDENT THE GOWALBARI DONYI POLO HIGH  
SCHOOL  
ECHARKATA  
NORTH LAKHIMPUR  
P.O. ECHARKATA BALIJAN  
DIST. LAKHIMPUR  
ASSAM

6:MINA RAM DOLEY  
THE HEAD MASTER  
THE GOWALBARI DONYI POLO HIGH SCHOOL  
ECHARKATA  
LAKHIMPUR  
P.O. ECHARKATA BALIJAN  
DIST. LAKHIMPUR  
ASSAM

7:MOHES PEGU  
SON OF SRI RANUJ PEGU  
P.O. ECHARKATA BALIJAN  
DIST. LAKHIMPUR  
ASSA

**Advocate for the Petitioner : MR. P J SAIKIA, MS D DUTTA**

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

**BEFORE**

**HON'BLE MR. JUSTICE NELSON SAILO**

**O R D E R**

**25.09.2025**

The two petitioners claim that they have been appointed as Assistant Teachers in the Gowalbari Donyi Polo High School Echarkata, under Lakhimpur district, which is said to be a venture school on 10.01.2008 and 13.09.2010, respectively. It is their grievance that process for provincialisation of service is going on and the respondent authorities concerned by deleting their names from the DISE code, have sought to

provincialise the service of respondent No.7 instead. The petitioner No.1 is said to be an Arts Teacher while the petitioner No.2 is said to be a Science Teacher. Mr. P.J. Saikia, learned counsel for the petitioners submits that the impugned action of the respondent authorities concerned may be interfered with by this Court by directing consideration of the petitioners for provincialisation of their service as per the relevant provisions of law.

**2.** At this stage, Mr. SMT Chisti, learned Standing Counsel, Secondary Education Department has drawn the attention of this Court to a Notification dated 02.06.2016 issued by the Government of Assam in the Elementary Education Department under Memo No.ENC/WP(C)2272/2013/403/196, which designates the Courts of District Judges and Additional District Judges of each district to function as Educational Tribunals to adjudicate dispute of teaching and non-teaching staffs of non-educational institutions including disputes relating to disciplinary action and claim for provincialisation. He therefore, submits that as the petitioners have not exhausted the alternative available as provided by the Notification dated 02.06.2016, therefore, they should be relegated to the Tribunal.

**3.** On the other hand, Mr. P.J Saikia, learned counsel for the petitioners submits that the Tribunals are already over burdened and it will take a long time for considering and adjudicating the case of the petitioners and therefore, the matter may be taken up by this Court.

**4.** However, it is seen that such an apprehension is not a pleaded case of the petitioners in the writ petition and delay in considering the case of the petitioners by the Tribunal also cannot be the ground to insist on invoking the powers of this Court under Article 226 of the Constitution of

India when a Tribunal has been specifically provided for to consider and adjudicate the issues raised by the present writ petitioners.

**5.** In view of above, the petitioners may be approached the Tribunal concerned within a period of 15(fifteen) days from today and until the petitioners approach the Tribunal concerned within the stipulated time as provided hereinabove, the official respondents are directed to maintain status-quo with regard to the provincialisation of the teachers of the school concerned.

**6.** Upon approaching the Tribunal, the petitioners may seek appropriate interim orders, if so required and in the event of such prayer being made, the Tribunal shall consider the same and pass appropriate orders in accordance with law.

**7.** With the above observations and direction, this writ petition stands disposed of.

**JUDGE**

**Comparing Assistant**