

GAHC010126092026



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

Case No. : WP(C)/3514/2026

DHANESWAR RAJBONGSHI
S/O LATE SUREN RAJBONGSHI, VILLAGE BANGNABARI, P.S. NALBARI,
DIST. NALBARI, ASSAM, PIN-781346.

2: DIPANKAR DEKA
C/O NAREN DEKA
VILLAGE KHUDRA AMRIKHOWA
P.S. SARTHEBARI
DIST. BARPETA
ASSAM
PIN-781307.

3: PALLABI NATH
D/O BINOY NATH
VILLAGE TOM-MAHTAL
P.S. SIPAJHAR
DIST. DARRANG
ASSAM
PIN-784148.

4: KHIRODA DAS
C/O SRI KHAGESWAR DAS
VILLAGE TOWN-CHINADI
P.S. SARTHEBARI
DIST. BARPETA
ASSAM
PIN-781312.

5: JAYANTA BARMAN
S/O LATE CHAND MOHAN BARMAN
VILLAGE SATHIKUCHI
P.S. TIHU
DIST. NALBARI
ASSAM

PIN-781370.

6: NABAJIT ROY
S/O ANANTA ROY
VILLAGE BAR AMRIKHOWA
P.S. SARTHEBARI
DIST. BARPETA
ASSAM
PIN-781307.

7: MANOJ RAJBONGSHI
C/O GOPAL RAJBONGSHI
VILLAGE LAKHOPUR
P.S. BELSOR
DIST. NALBARI
ASSAM
PIN-781338.

8: GUNAJIT HALOI

C/O GAURI KANTA HALOI
VILLAGE NAKUCHI
P.S. SARTHEBARI
DIST. BARPETA
ASSAM
PIN-781307

9: KUMUD RAJBONGSHI

/O KHIRAM RAJBONGSHI
VILLAGE KATARA
P.S. KHOIRABARI
DIST. DARRANG
ASSAM
PIN-784144.

10: RINKU MONI ROY
W/O NABIN KUMAR ROY
P.S. SARTHEBARI
DIST. BARPETA
ASSAM
PIN-781311.

11: NANTHI PATHAK
VILLAGE BATUKURIHA
DIST. BARPETA
ASSAM
PIN-781309.

12: MD MAHFUZUR RAHMAN
S/O MD. MOTAR RAHMAN
VILLAGE AGDUGURI
P.S. SORBHOG
DIST. BARPETA
ASSAM
PIN-781319.

13: ANJALI DEKA
C/O NAREN DEKA
VILLAGE DANGUAPARA
P.O. BENEKUCHI
DIST. NALBARI
ASSAM
PIN-781340.

14: MD SAHED ALI
S/O MATIR RAHMAN
VILLAGE NO.2 LARKUCHI
P.S. MUKALMUA
DIST. NALBARI
ASSAM
PIN-781138.

15: SUNIL DAS
S/O KESHAB DAS
VILLAGE BANGAON
P.S. GHOGRAPAR
DIST. NALBARI
ASSAM
PIN-78136

VERSUS

THE STATE OF ASSAM AND OTHERS
REPRESENTED BY THE PRINCIPAL SECRETARY, DEPARTMENT OF
EDUCATION, DISPUR, GUWAHATI, ASSAM, PIN-781006.

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

3: THE UNION OF INDIA
REPRESENTED BY THE SECRETARY
MINISTRY OF HUMAN RESOURCE DEVELOPMENT
DEPARTMENT OF SCHOOL EDUCATION AND LITERACY

NEW DELHI-110001.

4:NATIONAL COUNCIL FOR TEACHERS EDUCATION NCTE
G-7
SECTOR-10
DWARKA
NEW DELHI-110075.

5:NATIONAL INSTITUTE OF OPEN SCHOOLING NIOS

A-24/25
INSTITUTIONAL AREA
SECTOR-62
NOIDA
DIST. GAUTAM BUDH NAGAR
UTTAR PRADESH-201309

Advocate for the Petitioner : MR. A T SARKAR, S R DAS,S. HUSSAIN

Advocate for the Respondent : SC, ELEM. EDU, MS. R B BORA(R5),DY.S.G.I.,SC, NIOS,SC, N C
T E

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

16.07.2026

Heard Mr. S. Hussain learned counsel for the petitioner. Also heard Mr. P. K. Bora, learned counsel for the Respondents No. 1 and 2; Ms. R. B. Bora, learned counsel for Respondent No. 5, Mr. I. Alam, learned Standing Counsel for Respondent No. 4.

2. This writ petition has been filed by the petitioners who had submitted their applications in response to the advertisement dated 26.12.2023 for filling up of 3800 (three thousand & eight hundred) vacancies of Assistant Teacher in Lower

Primary Schools and 1750 (one thousand seven hundred & fifty) vacancies of Assistant Teacher in Upper Primary Schools. Accordingly, the petitioners applied their candidature as per their eligibility. Thereafter, by a notice dated 02.01.2024 issued by the respondents, the petitioners who had completed 18 months of D.El.Ed (ODL) course from NIOS were disqualified. Subsequently, in an issue which travelled to the Supreme Court, the Apex Court by an order dated 10.12.2024 upheld the validity of 18 months of D.El.Ed Diploma course for in-service teachers who were on employment as on 10.08.2017. The writ petitioners claimed that they are also in-service teachers and therefore, they want to claim the benefits of the judgment of the Apex Court rendered in *Viswanath & Ors. vs. The State of Uttarakhand & Ors.* passed in Civil Appeal No. 7873/2023. It is the grievance of the petitioners that the respondent authorities instead of complying the directions of the Apex Court and giving the due benefits to the writ petitioners by considering their eligibility for appointment to the posts which were advertised, they introduced fresh conditions like admission slips, UDISE records, Minutes of the School Committees Management, authenticated Attendance Registers, salary slips and other institutional records which are not available with the writ petitioners and they contend that it is impossible to furnish before the respondent authority.

3. In a similar writ petition which came to be disposed of by a Coordinate Bench in an inter-court appeal preferred in Writ Appeal No. 345/2025, the Division Bench of this Court disposed of the said appeal by order dated 24.03.2026, whereby it was held that in cases of the appellants therein shall be verified by the State on the basis of the documents furnished by them and if some of the documents demanded by way of notification dated 17.06.2025 are

not furnished, the same shall be verified by the State from their own records and databases and in the event of the rejection of the appellants' applications therein, each of the appellants shall be communicated the reasons for such rejections.

4. The learned counsel for the petitioner submits that the petitioners are similarly situated and the judgment and order dated 24.03.2026 passed in Writ Appeal No. 345/2025 by the Division Bench of this Court squarely covers their cases and therefore, similar orders have been sought for by them in this present writ petition.

5. On 26.06.2026 and 14.07.2026, the learned State Counsel was permitted time to obtain instructions in the matter.

6. Today when the matter is called up, the learned State Counsel for the respondents submits that the order dated 24.03.2026; passed in Writ Appeal No. 345/2025 can be the basis of disposal of the present writ petition. It is further submitted at the bar that the present writ petition can also be disposed of in terms of the said order.

7. Accordingly, since the learned counsel for the parties are ad idem that the issues raised in the present writ petition stands covered by the order dated 24.03.2026 passed in Writ Appeal No. 345/2025.

8. Accordingly, this Court proposes to dispose of the present writ petition in terms of the similar directions which were issued in the Writ Appeal No.

345/2025 vide order dated 24.03.2026. The relevant paragraphs of the said order are extracted below:

“Thus, with such undertaking by the appellants/applicants, we consider that this appeal and the Interlocutory Applications ought to be closed, sustaining the judgment impugned in this appeal in its entirety, with the only caveat that the applications of the appellants/applicants shall be verified by the State on the basis of the documents furnished by them and, if some of the documents demanded by way of the notification dated 17.06.2025 are not furnished, the same will be verified from the State records/database and, in the event of the rejection of their applications, each of the appellants/applicants shall be communicated the reason(s) for such rejection.

We order accordingly.

In the facts and circumstances of the case, we also modify the judgment impugned to the extent that we absolve the appellants/applicants from paying the cost of Rs. 10,000/- and we also make this appeal as well as the Interlocutory Applications cost easy.

Accordingly, we close this appeal along with the Interlocutory Applications with the expectation that such exercise, as directed above, shall be carried out and concluded within a period of three months from today, keeping in mind that such exercise must be meaningful, meaning thereby that the number of vacancies commensurate with the number of the appellants and the applicants must remain unfilled for such verification to be

meaningful.”

9. This writ petition therefore stands disposed of in terms of the above, directing the Respondent Authorities to process the applications submitted by the writ petitioners and examine the documents submitted by the writ petitioners along with their applications, and if any further documents as sought for by the Respondents from the writ petitioners are not available or are unable to be furnished by the writ petitioners, then records available in the database of the State will be relied upon or referred to verify those documents as the same are already available in the custody of the State.

10. Upon due verifications, if the petitioners are found to be eligible, consequential orders shall be passed. It is also directed that the verification process shall be done within a period of 3 (three) months from the date of receipt of certified copy of this order.

11. In the event, if their cases are rejected then each of the writ petitioners shall be communicated the reasons for their rejections.

12. In terms of the above, this writ petition stands disposed of at the stage of Motion without issuing notice.

JUDGE

Comparing Assistant