

GAHC010140142019



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

Case No. : WP(C) 4246/2019

1: GIRIDHAR SARMA AND 24 ORS.
S/O SRI BISWA DEV SARMA, VILL. BASUGAON (RAJACHARANG), P.O. AND
P.S. BASUGAON, DIST.- CHIRANG, ASSAM, PIN- 783372.

2: MANIK DEB NATH
S/O- LATE SUNIL DEBNATH
VILL- BHUTIAPARA
P.O. AND P.S.- BASUGAON
PIN- 783372.

3: SANTOSH TALUKDAR
S/O- LATE BISHAMBAR TALUKDAR
ADDRESS- BASUGAON
THURIBARI
WARD NO.-3
PIN- 783372
P.O. AND P.S.- BASUGAON
DIST- CHIRANG
ASSAM.

4: PRITAM BISWAS
S/O PRAFULLA BISWAS
VILL- BASUGAON
SUBHAS NAGAR
WARD NO.1
PIN- 783372
P.O. AND P.S.- BASUGAON
DIST.- CHIRANG
ASSAM.

5: MRIDUL SARKAR
S/O- LT. MANINDRA CH. SARKAR
WARD NO. 3
BASUGAON

PIN- 783372
DIST.- CHIRANG
P.O. AND P.S. BASUGAON
ASSAM.

6: SUDIP SARMA
S/O- SUNIL SARMA
BASUGAON
WARD NO.-3
P.O. AND P.S. BASUGAON
PIN- 783372
DIST. CHIRANG
ASSAM.

7: DEBRAJ DEY
S/O DULAL DEY
VILL- BASUGAON
SISUMANGAL
WARD NO. 3
P.O. AND P.S. BASUGAON
PIN- 783372
DIST. CHIRANG
ASSAM.

8: SUCHITRA RAY
S/O- LANKESWAR RAY
VILL- NAMALPUR
P.O. SIDLI
DIST- CHIRANG
ASSAM
PIN- 783373.

9: ALPANA BARUAH BHARALI
D/O- LATE BATI RAM BARUAH
VILL. BASUGAON
WARD NO. 2
P.O. AND P.S. BASUGAON
PIN- 783372
DIST. CHIRANG
ASSAM.

10: RAKESH DEY
S/O- NATAI DEY
VILL. BASUGAON
WARD NO. 10
P.O. AND P.S. BASUGAON
PIN- 783372
DIST. CHIRANG

ASSAM.

11: CHANAKYA ROY
S/O- GAJENGRA CHANDRA ROY
VILL. BENGTOLE NO. 2
P.O.- BENGTOLE
DIST- CHIRANG
ASSAM
PIN- 783394.

12: NIBEDITA BARMAN
D/O- RAJ KUMAR BARMAN
VILL- KUKURMARI
DALIGAON
P.O. DALIGAON
DIST. CHIRANG
ASSAM
PIN- 783385.

13: RAJIB KUMAR BARMAN
S/O- PABITRA KUMAR BARMAN
VILL- NAMALPUR
P.O. SIDLI
DIST- CHIRANG
ASSAM
PIN- 783373.

14: SUSMITA SARKAR
D/O- SUBHAS SARKAR
THANA ROAD
THURIBARI
WARD NO. 3
P.O. BASUGAON
DIST. CHIRANG
ASSAM.

15: SANJAY KUMAR SUTRADHAR
S/O- LT. NARAYAN CH. SUTRADHAR
VILL. NO. 1 SUPARIGURI
P.O. FAGUNAGAON
P.S.- BIJNI
PIN- 783390
DIST. CHIRANG.

16: TANIMA KAR
D/O- LT. DILIP KAR
BASUGAON
WARD NO. 01

SUBHAS NAGAR
PIN- 783372
P.O. AND P.S. BASUGAON
DIST.- CHIRANG
ASSAM.

17: PALASHI MAZUMDAR
D/O LATE PABITRA MAZUMDAR
BIJNI TOWN
WARD NO. 03
P.O. AND P.S. BIJNI
PIN- 783390
DIST.- CHIRANG
ASSAM.

18: DEBASISH KUMAR PAUL
S/O LT. SHYAMAL BANDHU PAUL
BIJNI TOWN
WARD NO. 03
PIN- 783390
P.O. AND P.S. BIJNI
DIST.- CHIRANG
ASSAM.

19: KARNA ROY
S/O- KISHORI MOHAN ROY
BALDIABATHAN
P.O. SAKTIASHRAM
P.S. FAKIRAGRAM
DIST- KOKRAJHAR
PIN- 783354

20: GOUTOM GHOSH
S/O- GAURANGA GHOSH
BIJNI TOWN
WARD NO. - 03
PIN- 783390
P.O. AND P.S. BIJNI
DIST.- CHIRANG
ASSAM.

21: RUMPA SAHA
D/O- RANJIT SAHA
BASUGAON
WARD NO. 04
P.O. AND P.S. BASUGAON
DIST- CHIRANG
ASSAM

PIN- 783372.

22: MONALISHA ROY
W/O- NILURAM ROY
NAMALPUR
P.O. AND P.S. SIDLI
PIN- 783373
DIST.- BONGAIGAON.

23: MANOJ DAS
S/O LATE SANATAN DAS
VILL- LABDANGURI
P.S.- GOBARDHANA
PIN- 781315
DIST.- BAKSA

24: SHISHIR MANDAL
S/O- LT. PABITRA MANDAL
R/O. BASUGAON
SUBHAS NAGAR
WARD NO. 1
P.O.- BASUGAON
PIN- 783372
DIST.- CHIRANG.

25: MONOJIT DEY
S/O- LATE MANGAL CH. DEY
VILL. BASUGAON
P.O.- BASUGAON
PIN- 783372
DIST.- CHIRANG

VERSUS

1:THE STATE OF ASSAM AND 10 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
ELEMENTARY EDUCATION DEPTT., DISPUR, GHY-06.

2:THE BTC
REP. BY THE PRINCIPAL SECRETARY
BTC
KOKRAJHAR
PIN- 783370.

3:THE SECRETARY
BTC
KOKRAJHAR
PIN- 783370.

4:THE FINANCE DEPARTMENT
REP. BY COMMISSIONER AND SECRETARY
DISPUR
GUWAHATI-06.

5:THE FINANCE DEPARTMENT
REP. BY THE PRINCIPAL SECRETARY
DISPUR
GUWAHATI-06.

6:THE WPT AND BC DEPARTMENT
REP. BY THE SECRETARY
GOVT. OF ASSAM
DISPUR-06.

7:THE DEPUTY SECRETARY
WPT AND BC DEPARTMENT
GOVT. OF ASSAM
DISPUR-06.

8:THE JOINT SECRETARY
BTC
KOKRAJHAR
ASSAM
PIN- 783370.

9:THE ADDITIONAL PRINCIPAL SECRETARY
BTC
KOKRAJHAR
ASSAM
PIN- 783370.

10:THE DIRECTOR OF EDUCATION
BTC
KOKRAJHAR
ASSAM
PIN- 783370.

11:THE NATIONAL COUNCIL FOR TEACHER EDUCATION
REP. BY THE CHAIRPERSON
HANS BHWAN
WING-II
1 BAHADUR SHAH JAFAR MARG
NEW DELHI- 110002

Advocate for the Petitioner : MR. BANKIM PRASAD BORAH

Advocate for the Respondent : SC, ELEM. EDU

**BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

Date : 21-06-2019

Heard Mr. P. K. Goswami, learned counsel for the petitioners. Also heard Mr. N. Sarma, learned Standing Counsel, Education Department for the respondent No. 1, Mr. M. Khataniar, learned Standing Counsel, BTC, for the respondent Nos. 2, 3, 8, 9 & 10, Mr. R. Borpujari, learned Standing Counsel, Finance Department for the respondent Nos. 4 & 5, Mr. B. Deuri, learned Government Advocate, Assam for the respondent Nos. 6 & 7 and Mr. I. Alam, learned Standing Counsel, NCTE for the respondent No. 11.

The petitioners are TET qualified and also Diploma holders in Elementary Education and possess the requisite norms prescribed by the NCTE for their appointment as Teachers in Elementary Schools. They are from the BTC area and are aggrieved by the policy decision of the BTC, whereby the BTC on 24.02.2014 decided to allow the doubtful and irregularly appointed 221 numbers of teachers against vacant sanctioned posts as well as the BTC by its DPC decision dated 15.10.2014 for withdrawal of the termination orders of those 221 numbers of teachers and to pay salaries to them.

Issue notice, returnable by **29.07.2019**.

As Mr. N. Sarma, Standing Counsel, Education Department, Mr. M. Khataniar, learned Standing Counsel, BTC, Mr. R. Borpujari, Standing Counsel, Finance Department, Mr. B. Deuri, Government Advocate, Assam and Mr. I. Alam, Standing Counsel, NCTE, have accepted notice on behalf of the respondent Nos. 1, 2, 3, 8, 9 & 10, 4 & 5, 6 & 7 and 11 respectively, therefore, no formal notices need be issued to those respondents. However, the petitioners shall serve requisite extra copies of this writ petition along with the Annexures appended thereto to those learned counsels within three days from today.

List this matter along with WP(C) No. 2915/2019.

JUDGE

Comparing Assistant