

GAHC010141692025



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

Case No. : WP(C)/3658/2025

TANKESWAR NATH
SON OF LATE UMESH CHANDRA NATH,
B.SC, B.ED., MA, SENIOR MOST ASSISTANT TEACHER, SARTHEBARI,
HIGHER SECONDARY SCHOOL, SARTHEBARI, R/O VILL AND P.O. GAHIYA,
DIST. BARPETA, ASSAM, PIN-781311.

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION (SECONDARY EDUCATION
DEPARTMENT), ASSAM (CIVIL) SECRETARIAT, BLOCK-C, DISPUR,
GUWAHATI, ASSAM, PIN-781006.

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

3:THE INSPECTOR OF SCHOOLS

BARPETA DISTRICT CIRCLE
BARPETA ASSAM

4:RATUL DAS
POST GRADUATE TEACHER
SARTHEBARI H.S. SCHOOL
VILL AN DP.O. SARTHEBARI
DIST. BARPETA ASSAM
PIN-781307

Advocate for the Petitioner : MR. B PURKAYASTHA, MR. J P BARUAH

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

BEFORE
HON'BLE MR. JUSTICE NELSON SAILO

26.06.2025

Heard Mr. B. Purkayastha, learned counsel for the petitioner, who submits that the first writ petition of the petitioner i.e. WP(C) 5419/2023 was disposed of vide order dated 18.12.2023 by directing the respondent authorities to allow the petitioner to hold the charge of the post of Principal, Sarthebari Higher Secondary School, Sarthebari after due verification of the particulars of all candidates in the pipeline. Pursuant thereto the respondent authorities concerned passed an order dated 07.04.2024 denying the petitioner for holding the charge of Principal on the ground that he did not obtain prior permission from the appointing authority for obtaining the B.Ed. Degree and thereby violated the Rule 13 of the Assam Civil Services (Conduct) Rules, 1985. Assailing the same, the petitioner filed a second writ petition, being, WP(C) 2136/2024 and the same came up for final consideration on 11.04.2025 with the other writ petitions filed by the petitioner in the meantime i.e. WP(C) Nos.2653/2024 and 3917/2024 and all were also disposed of by the same order. In respect of WP(C) 2136/2024, the impugned order dated 07.04.2024 was set aside. After disposal of the aforesaid writ petitions, the respondent authorities concerned passed the order dated 21.06.2025 (Annexure-6 to the writ petition) by which it has been held that the petitioner has crossed the age of 57 years, which is the maximum age limit for holding the post of Principal, by ten months and accordingly, he is not eligible to hold the post of Principal. The said order has been challenged in the instant writ petition.

Learned counsel for the petitioner submits that despite passing of various

interim orders in favour of the writ petitioner, the respondent authorities for one reason or the other has deprived the petitioner from holding the charge of Principal of the said school, which is lying vacant w.e.f. 1.4.2023, and, therefore, the contention that the petitioner by now is overaged to hold the said post on in-charge basis is not sustainable.

Considering the above projection made by the petitioner, this Court is of the view that thorough examination of the matter is required to be made.

In view of the above, issue notice of motion, returnable in four weeks.

Mr. B. Kaushik, learned Standing Counsel, Secondary Education Department accepts notice on behalf of the respondent Nos.1, 2 and 3. As such, service is complete in respect of the said respondents.

However, petitioner to serve requisite extra copies of the writ petition along with the annexures appended thereto to the learned Standing Counsel, Secondary Education Department within two working days.

Petitioner to take steps for service of notice upon the respondent No.4 by registered post with A/D within three working days.

List the matter on **11.08.2025** along with WP(C) 2003/2025.

Prayer for *interim* relief to be considered on the returnable date.

JUDGE

Comparing Assistant