

GAHC010075422025



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 : MR. B PURKAYASTHA
Advocate for : SC
SEC. EDU. appearing for THE STATE OF ASSAM AND 3 ORS.

BEFORE

HON'BLE MR. JUSTICE NELSON SAILO

O R D E R

30.10.2025

Mr. B. Purkayastha, learned counsel for the petitioner submits that the petitioner has been deprived of being the in-charge Principal of Sarthebari Higher Secondary School in the district of Barpeta for one reason or the other. By filing this writ petition, he submits that the petitioner has challenged the order dated 21.06.2025 by which he has been deprived of being in-charge Principal in view of Rule 12(3)(v) of the Assam Secondary Education (Provincialised Schools) Rules, 2018. The learned counsel for the petitioner submits that the said provision is basically for direct recruitment and not for the purpose of placing somebody as in-charge Principal. He submits that ordinarily it is the senior most teacher of the school, who is given the in-charge Principal and the

petitioner being the senior most teacher, should be placed as the in-charge Principal.

He further submits that the stand of the respondents through the impugned order dated 21.06.2025 cannot be accepted in view of the fact that in a case of similar nature, a person who hardly has one month of service left as teacher, has been placed as the in-charge Headmistress of the school concerned. In this connection, the learned counsel has produced the order dated 24.10.2025 issued by the Director of Secondary Education, Assam in respect of Kaloogaon H.S School, Sivasagar district.

He also refers to an order dated 30.12.2022 (Annexure-8B) of the additional affidavit filed by the petitioner, wherein one Md. Habibur Rahman Mazumdar, Assistant Teacher of Public Higher Secondary School, Hailakandi has been allowed to hold the charge of Principal with financial powers although he was to retire on 31.12.2023.

Mr. U. Sharma, learned Standing Counsel, Secondary Education Department to obtain instructions by the next date.

List the matter on **18.11.2025**.

JUDGE

Comparing Assistant