

GAHC010141872026



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

Case No. : WP(C)/3626/2026

MANAB KALITA
S/O MADAN KALITA, VILL- MILANPUR, P.O- BOKO, DIST.- KAMRUP,
ASSAM, PIN-781123.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, DEPARTMENT OF EDUCATION, DISPUR, GUWAHATI, ASSAM-
-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 122-C
SHASTRI BHAWAN
NEW DELHI-110001.NATIONAL

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

5:NATIONAL INSTITUTE OF OPEN SCHOOLING
A-24 25
INSTITUTIONAL AREA

I SECTOR-62
NOIDA
DIST. GAUTAM BUDH NAGAR
UTTAR PRADESH 201309

Advocate for the Petitioner : MR B M DEKA, S. HUSSAIN,MR. S HANDIQUE,MR. B SINGHA

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

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

20.07.2026

Heard Mr. S. Hussain learned counsel for the petitioner. Also heard Ms. S. Chutia, learned Standing Counsel for the Education Department, Ms. R. B. Bora, learned Standing Counsel for the NIOS, Mr. I. Alam learned Standing Counsel for the NCTE.

2. This writ petition has been filed by the petitioner who had submitted his 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 petitioner applied his candidature as per his eligibility. Thereafter, by a notice dated 02.01.2024 issued by the respondents, the petitioner who had completed 18 months of D.El.Ed (ODL) course from NIOS was 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 petitioner claimed that he is also in-service teacher and therefore, he 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 petitioner that the respondent authorities instead of complying the directions of the Apex Court and giving the due benefits to the writ petitioner by considering his eligibility for appointment to the posts which were advertised, they introduced fresh conditions like admission slips, UDISE codes, Minutes of the School Committees Management, authenticated Attendance Registers, salary slips and other institutional records which are not available with the writ petitioner and he 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 petitioner 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 petitioner and examine the documents submitted by the writ petitioner along with his applications, and if any further documents as sought for by the Respondents from the writ petitioner are not available or are unable to be

furnished by the writ petitioner, 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 petitioner is 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 the case of the petitioner is rejected then the writ petitioner shall be communicated the reasons for his rejections.

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

JUDGE

Comparing Assistant