

GAHC010143112025



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

**Case No. : WP(C)/3685/2025**

JONMONI DEVI  
C/O- JAYANTA DEV SARMA ,  
VILLAGE MISSAMUKH PAM, P.O. MISSA DISTRICT NAGAON, PIN-782138

2: Jaydeep Nath  
Vill Brahmingaon P.O. Chakalaghat  
Nagaon Assam

3: Rana  
Village- Pakhimoria P.O. Pathori Nagaon

4: Sik  
Village Sarubhagia P.O. Jakhlabandha Dist Nagoan

5: Manik Chandra  
Village/P.O. Uriagaon Nagao

VERSUS

1.TTHE STATE OF ASSAM  
REP. BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,  
DEPARTMENT OF SCHOOL EDUCATION  
DISPUR, GUWAHATI-6

2:THE DIRECTOR OF ELEMENTARY EDUCATION  
KAHILIPARA GUWAHATI-19

3:THE MISSION DIRECTOR  
SSAM SARBA SIKSHA ABHIYAN  
KAHILIPARA GUWAHATI-19

4:THE OSD  
AXOM SARBA SIKSHA ABHIYAN MISSION  
KAHILIPARA GUWAHATI-1

**Advocate for the Petitioner** : MR. S P SHARMA, K AHMED,  
MR I CHOUDHURY , SR. ADVOCATE

**Advocate for the Respondent** : SC, ELEM. EDU, SC, SSA

**- B E F O R E -**

**HON'BLE MR. JUSTICE NELSON SAILO**

**ORDER**

**27.06.2025**

Heard Mr. I. Chowdhury, learned Senior Counsel assisted by Mr. S.P. Sharma, learned counsel for the petitioners, who submits that the petitioners were appointed as L.P. Assistant Teachers sometime in the year 2012 and they are one of the senior-most Teachers who are currently holding the post of Head Teacher on in-charge basis.

**2.** Learned Senior Counsel submits that the petitioners, by filing this writ petition have challenged the Standard Operating Procedure (SOP) for up-gradation of senior-most Assistant Teachers to Head Teachers in Lower Primary Schools, issued on 03.03.2025 (Annexure-11). The petitioners have further challenged the Notification dated 29.04.2025 (Annexure-12) and also the communication dated 15.06.2025 (Annexure-14).

**3.** Learned Senior Counsel submits that although the petitioners are entitled to be appointed on regular basis, having regard to Rule 20 of the Right of Children to Free and Compulsory Education Rules, 2010, they have only been appointed on contract basis and by issuance of the impugned SOP, Notification and the communication, the petitioners have not only been left out and that an attempt has been made to place those who are junior to them as Head Teacher

of Lower Primary Schools concerned solely on the ground that they have exercised the option as offered by the State Government on 10.01.2023 (Annexure-18).

**4.** Referring to the said communication, learned Senior Counsel submits that the Contractual Teachers and State Pool Teachers working under the Samagra Shiksha, Assam (SSA) are to voluntarily opt either for regularization of service with initial scale pay benefits from the proposed date of joining that will be fixed in due course or to continue as Contractual Teachers with the existing financial benefits and service conditions.

**5.** Learned Senior Counsel submits that going by the said offer, it is clear that the petitioners and other similarly situated Teachers will have no right to claim their benefit of the past service.

**6.** Aggrieved with the same, the LP School Teachers' Association, under the name and style of "Sadou Asom Prathamik TET Uttirno Sikshak Samaj" had approached this Court by filing WP(C) No.439/2024 and this Court, vide order dated 29.01.2024, having regard to a similar order passed in another writ petition, i.e. WP(C) No.7223/2019, had directed that the communication dated 10.01.2023 will not be automatically be applicable in respect of the petitioners rendering their services as Contractual Teachers. Thereafter, the State respondents came up with an Advertisement dated 05.08.2024 inviting willingness from eligible candidates working as Contractual and State Pool Contractual Teachers under SSA through official website of DEE, Assam for filing up of 35,133 posts of Assistant Teachers of Lower Primary, Upper Primary and Science Graduate Teachers in Upper Primary etc. in the initial pay of Pay band – 2 (PB-2) @ Rs.14,000/- to Rs.70,000/- + Grade Pay and other allowances.

**7.** Again aggrieved with the said Advertisement, the L.P. School Teachers' Association approached this Court by filing writ petition, being WP(C) No.4031/2024 and vide *interim* order dated 12.08.2024, this Court, while issuing notice, had suspended the Advertisement dated 05.08.2024.

**8.** It is submitted that while the 2(two) writ petitions are pending for consideration, the respondent authorities, on the basis of impugned SOP and the Notification dated 29.04.2025, have sought to regularize the Teachers who had given their options.

**9.** It is the case of the petitioners that not only those who had given the option, but even those who are junior to the present petitioners, will steal a march over them for holding the post of Head Teacher of L.P. School and therefore, the impugned SOP, Notification and the communication should be interfered with by this Court.

**10.** In view of above, issue notice of motion, returnable by 4(four) weeks.

**11.** Mr. P.K. Bora, learned Standing Counsel, Education (Elementary) Department accepts notice on behalf of the respondent Nos.1 and 2, whereas Mr. P. Nayak, learned Standing Counsel, SSA accepts notice on behalf of the respondent Nos.3 and 4. As such, no formal notice is required on the respondents.

**12.** Petitioners to serve requisite copies of the writ petition to the learned counsel appearing for the respective respondents within a period of 2(two) working days.

**13.** Also issue notice on the interim prayer made by the petitioners, making it returnable by 4(four) weeks as well.

14. Having regard to the projection made, till the next returnable date, as *ad interim* measure, the respondents are directed to maintain *status-quo*.
15. List the matter again on 14.08.2025.

**JUDGE**

**Comparing Assistant**