

GAHC010144502025



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

**Case No. : WP(C)/3839/2025**

SAMBHU BANIK AND 5 ORS  
S/O LATE LALIT BANIK  
R/O BANAMALI ROAD,  
KARIMGANJ, P.O. BANAMALI, DIST. SRIBHUMI, ASSAM, PIN-788710.

2: PRABIR BHATTACHARJEE  
S/O LATE RAMESH CHANDRA BHATTACHARJEE

R/O LONGAI ROAD  
KARIMGANJ  
P.O. SETTLEMENT ROAD  
DIST. SRIBHUMI  
ASSAM  
PIN-788712.

3: AJIT GHOSH  
S/OLATE ANIL CH. GHOSH  
R/O SHIB BARI ROAD

P.O. KARIMGANJ

DIST. SRIBHUMI  
ASSAM

PIN-700048

4: PURNIMA PURKAYASTHA  
D/O RANJIT PURKAYASTHA  
R/O MAIZGRAM P.O. MAIZGRAM  
DIST. SRIBHUMI  
ASSAM  
PIN-788712.

5: SHILPI DAS

D/O LATE AMARESH DAS  
R/O VILL- LAKHMI CHARAN ROAD

P.O. KARIMGNAJ  
DIST. SRIBHUMI  
ASSAM  
PIN-788710.

6: MASHHUDUR RAHMAN  
S/O LATE KHALILUR RAHMAN  
R/O VILL- B AKARSHAL  
P.O. JABAINPUR  
DIST. SRIBHUMI  
ASSAM  
PIN-788713

VERSUS

THE STATE OF ASSAM AND 4 ORS  
THROUGH THE SECRETARY TO THE GOVERNMENT OF ASSAM,  
SCHOOL EDUCATION DEPARTMENT, ASSAM, DISPUR, GUWAHATI-781006.

2:THE COMMISSIONER AND SECRETARY TO THE GOV.T OF ASSAM

FINANCE DEPARTMENT  
DISPUR  
GUWAHATI-781006.

3:THE DIRECTOR OF ELEMENTARY EDUCATION

ASSAM  
KAHILIPARA  
GUWAHATI-781019

4:THE DEPUTY INSPECTOR OF SCHOOLS

KARIMGANJ  
P.O. KARIMGANJ  
DIST. SRIBHUMI  
ASSAM  
PIN-788710.

5:THE TREASURY OFFICER

KARIMGANJ  
BADARPUR  
R.K. NAGAR  
P.O. KARIMGANJ

DIST. SRIBHUMI  
ASSAM  
PIN-78871

**Advocate for the Petitioner** : MR. I H SAIKIA, MR. K KALITA, MR. B BORAH

**Advocate for the Respondent** : SC, ELEM. EDU, MS L HMAR, MR K KASHYAB, SC, FINANCE

**BEFORE  
HONOURABLE MR. JUSTICE NELSON SAILO**

**ORDER**

**Date : 14.07.2025**

Heard Mr. I. H. Saikia, learned counsel for the petitioners, who submits that the petitioners are aggrieved with the orders, both dated 30.01.2021 (Annexure-13 collectively), by which they have been accommodated as Tutor in L.P. Schools on temporary basis and on fixed pay of Rs. 10,800/- per month. Learned counsel for the petitioners submits that after a due selection process the petitioners were appointed as Assistant Teachers in various L.P. Schools vide orders dated 20.11.1999. However, the petitioners were not paid their salaries since the date of their initial appointment on the ground that payments had been made to candidates in excess of the candidates recommended for appointment. Subsequently, vide the impugned orders they have been adjusted as Tutors.

Learned counsel for the petitioners submits that the petitioners do not belong to that category of employees who had been appointed in excess of the of the candidates recommended by the Selection Committee concerned and, therefore, the impugned orders adjusting the petitioners as Tutors should be interfered with by this Court.

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

Mr. B. Kaushik, learned Standing Counsel, Elementary Education Department, accepts notice on behalf of respondent Nos. 1, 3 and 4. Ms. R. M. Baruah, learned

Standing Counsel, Finance, accepts notice on behalf of respondent Nos. 2 and 5. Notice is therefore complete upon the respondents.

Petitioners to furnish requisite copies of the writ petition to the learned counsel appearing for the respondents within two days.

List after four weeks along with WP(C) No. 3226/2024.

**JUDGE**

**Comparing Assistant**