



2025:GAU-AS:13182

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

W.P.(c) No.3794 OF 2025

RUPAM ROY
S/O- LT HARDHAN ROY,
VILL-BILASIPARA W/N-8,P.O-HAKAMA,P.S-BILASIPARA,DIST-
DHUBRI,PIN-783348

2: BIRAJ NATH
S/O-BIDHU BHUSON NATH
VILL -DASGRAM
P.O-DASGRAM
P.S-NILAMBAZAR
DIST-SREEBHUMI(KARIMGANJ)
PIN-788722

3: JAIJUL HUSSAIN
S/O NAJIR ALI
VILL - SHERPUR
P.O - BARAIGRAM
DIST - SRIBHUMI (KARIMGANJ)
PIN - 788723

4: ATUL SINGHA
S/O KHANIDHAR SINGHA
VILL - MULAGAON
P.O - MULAGAON
P.S - BONGAIGAON
DIST - BONGAIGAON
STATE - ASSAM

5: JAYANTA KALITA
S/O- DWIJEN KALITA
VILL AND P.O - BHOTANTA MOHITARA
P.S - PATACHARKUCHI
DIST - BAJALI (ASSAM)
PIN - 781328

6: PANKAJ DHUNGANA
S/O BHOLA DHUNGANA
VILL - KAMARPATHAR
P.O - BORGAON
P.S - THELAMARA
DIST - SONITPUR
PIN - 784149

7: MURARI SHARMA
S/O JINU SHARMA
VILL - BRAHMASARI SATRA
P.O - VELOUGURI
DIST - NAGAON
PIN - 782140

8: RAJEN NARZARY
S/O RABIRAM NARZARY
VILL AND P.O - SOMKONG
DIST - DHEMAJI
PIN - 787061

9: DEVARAJ BRAHMA
S/O BERESH BRAHMA
VILL - CHILKIKHATA
P.O - TIPKAI
DIST - KOKRAJHAR
PIN - 783337

10: SADIQUR RAHMAN
S/O SAIFUL ISLAM
VILL AND P.O - GOPAL NAGAR
DIST - HOJAI
PIN - 782435

11: RAKESH RANJAN PAUL
S/O HARIPADA PAUL
VILL - ABHAYAPURI
WARD NO. II
P.O - ABHAYAPURI
DIST - BONGAIGAON (ASSAM)
PIN - 783384

12: ABDUS SALAM TAFADAR
S/O RASHID ALI TAFADAR
VILL - UTTAR NOWABIL
P.O - AMBARI
P.S - MURAJHAR
DIST - HOJAI (ASSAM)
PIN - 782445

13: ARJUN KUMAR YADAV

S/O NARDJI YADAV
VILL - NO.1 BORDONDI
P.O AND P.S - URIAMGHAT
DIST - GOLAGHAT (ASSAM)
PIN - 785601

14: KANHAIYA CHOUHAN
S/O PUJAN CHOUHAN
VILL - PAVAKATI
P.O AND P.S - BHURAGAON
DIST - MORIGAON
PIN - 782121

15: ASHWINI DAS
S/O NIRAN KUMAR DAS
VILL - PUNDIBARI
P.O - DOMPARA
P.S - MANIKPUR
DIST - BONGAIGAON
PIN - 783392

16: ABIDA ISLAM
C/O MD. JOHURUL ISLAM
VILL - BANDHABPARA
P.O AND P.S - BILASIPARA
DIST - DHUBRI (ASSAM)
PIN - 783348.

17: MOPILA KHATUN
C/O KUDRAT ALI
VILL - JOYPUR PT-I
P.O - BARKANDA
DIST - KOKRAJHAR
PIN - 783348.

18: SOFIQUL ISLAM
C/O OMAR ALI AHMED
TOWN - ABHAYAPURI
WARD NO. 4
P.O AND P.S - ABHAYAPURI
DIST - BONGAIGAON (ASSAM)
PIN - 783484

19: ABDUL FATTAH
C/O BASIR AHMED
VILL - PACHIM JARUNI
P.O AND P.S - DOBOKA
DIST - HOJAI
PIN - 782440
PHONE- 7002730957

20: MASUM UDDIN TALUKDAR

S/O HOBIBUR RAHMAN TALUKDAR
VILL - SARASPUR
P.O - GUMRA BAZAR
P.S - KALAIN
DIST - CACHAR
PIN – 788815

21: IMRAN HUSSAIN MAZUMDER
S/O IMDADUL HAQUE MAZUMDER
VILL - PAIKAN
P.O - GUMRA
P.S - KALAIN
DIST - CACHAR
PIN - 788815

22: SONMA RAJBONGSHI
D/O PARAMANANDA RAJBONGSHI
VILL - KHUDRABISTUPUR
P.O - CHENGNOI
P.S - GHOGRAPAR
DIST - NALBARI
PIN - 781337

23: SYED RAFIKUL ISLAM
S/O ABDUL HUSSAIN
VILL - KACHARUA
P.O - PUTHIMARI
DIST - KAMRUP (R)
PIN - 781380

24: KARABI SENAPATI
S/O TIKEN SENAPATI
VILL AND P.O - KHULAGAON
DIST - MORIGAON
PIN - 782411

25: ACHYUT DAS
S/O RAJANI KANTA DAS
VILL - PATIDOI VERELA
P.O - GORUBANDHA
P.S - MISSAMARI
DIST - SONITPUR
PIN - 784506

26: BIJU PARE MOHRA
W/O CHANDRA KUMAR MOHRA
VILL - NAHARANI
P.O - DIGHALJULI
P.S - MISSAMARI
DIST - SONITPUR (ASSAM)

PIN - 784506

27: NIRMAL TOPNO
S/O LATE HANUK TOPNO
VILL - NO. 1 DHANMARA
P.O - GARUBANDHA
P.S - MISSAMARI
DIST - SONITPUR (ASSAM)

PIN - 784506

28: RAJIB BORDOLOI
S/O RATUL BORDOLOI
TOWN - LANKA PATTY
WARD NO. 4
P.O AND P.S - LANKA
DIST - HOJAI
PIN - 782446

29: KULADIPA BHUYAN
D/O LATE NARAYAN BHUYAN
VILL - SRIMANTAPUR
WARD NO. 13
P.O - BARPETA
DIST - BARPETA
PIN - 781301

30: BANAMALI DAS
S/O- LT NABIN DAS
VILL-DANGUAPARA
P.O-BANEKUCHI
P.S-NALBARI
DIST-NALBARI
PIN-781340

31: NIZARA SONOWAL
D/O- SAILENDRA NATH SONOWAL
VILL-JYOTI NAGAR (NEAR ITBP CAMP)
P.O-RUPAI SIDING
P.S-DOOMDOOMA
DIST-TINSUKIA
PIN-786153

32: ALEYA SULTANA
W/O- JAHIR ALMAS
VILL- BEHARA PART 3
P.O-BEHARA PART 4
P.S-KATIGORAH
DIST- CACHAR
PIN-788817.

33: RUPOSHREE DAS

D/O- SHUBUD RANJAN DAS
VILL-BRAHMANGRAM
P.O-KALAIN
P.S-KALAIN
DIST-CACHAR
PIN-788815.

34: SANGITA KUMARI
D/O- KAMESWAR BHAGAT

VILL-PHILLOBARI T.E 34 WI
P.O-PHILLOBARI
P.S-PHILLOBARI
DIST-TINSUKIA
PIN-786160.

35: ASAD UDDIN
S/O- MD FAYJUL HAQUE
VILL-NATUN CHANDPUR
P.O-KANAIBAZAR
P.S-PATHARKANDI
DIST-KARIMGANJ
PIN-788724

36: SAIFUL HOQUE
S/O- SABIULLYA SEKH
VILL-JHAPUSABARI PT IV
P.O-SOUTH JHAPUSBARI
P.S-AGOMANI
DIST-DHUBRI
PIN-783335

37: RIMPI DEB
D/O- PURANJAN DEB
VILL-SADARASHI
P.O-SADARASHI
P.S-KARIMGANJ
DIST-KARIMGANJ
PIN-788709.

38: PUNAM PAUL
D/O- RAMNIWAS PAUL
VILL-MANDULI
P.O-KHARIKHANA
P.S-LANKA
DIST-HOJAI
PIN-782446

39: MANJU DEVI
D/O- PURNA BAHADUR TEWARI
VILL-CHITABASTI
P.O-BOKAZANI

P.S-TEZPUR
DIST-SONITPUR
PIN-784105.

40: JYOTISMITA SALOI
W/O- NILAMANI MEDHI
VILL-BAGURIHATI
P.O-BAGURIHATI

P.S-BELSOR
DIST-NALBARI
PIN-781310

41: GITISMITA SARMA
D/O- GANESH CH. SARMA
VILL-BARBARI BAMUNPARA
P.O-SARUPETA
P.S-PATACHARKUCHI
DIST-BARPETA
PIN-781318

42: SANGEETA CHETRY
D/O- GANJA BAHADUR CHETRY
VILL-RAJGARH
P.O-NANKEY PATGAON
P.S-CHARIDUAR
DIST-SONITPUR
PIN-784101

43: NASIMA FARDAUSI BARBHUIYA
D/O- ABDUL MONNAN BARBHUIYA
VILL-MOHANPUR PT I
P.O-ALGAPUR
P.S-ALGAPUR
DIST-HAILAKANDI
PIN-788150

44: KULDIP SAHU
S/O- MANULAL SAHU
VILL-ITAGAON
P.O-BHALUKMARI
P.S-LANKA
DIST-HOJAI
PIN-782442.

45: DIPANKAR DAS
S/O- SANTOSH DAS
VILL-MALIBARI SATRA
P.O-MALIBARI BAZAR
P.S-BOKO
DIST-KAMRUP
PIN-781136.

46: BHASKAR DAS
S/O- REBATI MOHAN DAS
VILL-BAGHMARA
P.O-HARINTILLA
P.S-SILCHAR
DIST-CACHAR
PIN-788011

47: DIPAK DAS
S/O- ARADHAN DAS
VILL-MALIBARI SATRA
P.O-MALIBARI BAZAR
P.S-BOKO
DIST-KAMRUP
PIN-781136

48: MASUM PARBINA
C/O- ZIA UDDIN AHMED
VILL-BHOJKHOWA
P.O-BHOJKHOWA CHAPORI
P.S-TEZPUR
DIST-SONITPUR
PIN-784027

49: HANNANA SULTANA CHOUDHURY
D/O- FORIZ UDDIN CHOUDHURY
VILL-UJANKUPA PT I
P.O-UJANKUPA
P.S-HAILAKANDI
DIST-HAILAKANDI
PIN-788152.

50: MANASHI BARMAN
D/O- CHITTARANJAN BARMAN
VILL-AMRIKHOWA
P.O-AMRIKHOWA
P.S-SARTHEBARI
DIST-BARPETA
PIN-781307

51: HIRAK KUMAR SUTRADHAR
S/O- RADHA GOBINDA SUTRADHAR
VILL-KAIMARI PT IV
P.O-KAIMARI
P.S-GOLAKGANJ
DIST-DHUBRI
PIN-783335

52: SOYANIKA BHUYAN KALITA
D/O- MONESWAR BHUYAN
VILL-RAJABARI

P.O-RAJBARI TEOK
P.S-TEOK
DIST-JORHAT
PIN-785112

53: MERAJUL HOQUE
S/O- SAMSUL HOQUE
VILL-TALLI PT II
P.O-BELGURI
P.S-AGOMANI
DIST-DHUBRI
PIN-783334.

54: JIAUL HOQUE
S/O- FAIZUL HOQUE
VILL-GANGAPUKHURI
P.O-SANTIPUKHURI
P.S-SIPAJHAR
DIST-DARRANG
PIN-784144

55: SABINA SULTANA
D/O- MATLEB HUSSAIN
VILL-JAPIA
P.O-JAPIA
P.S-HAJO
DIST-KAMRUP
PIN-781382

56: DIPANKAR CHANDA
S/O- DIGENDRA CHANDA
VILL-UJANKUPA PT I
P.O-UJANKUPA
P.S-HAILAKANDI
DIST-HAILAKANDI
PIN-788152

57: ARUP KALITA
S/O- BHABIT KALITA
VILL-KAHITALI
P.O-ANDHERIGHAT
P.S-SIPAJHAR
DIST-DARRANG
PIN-784148

58: PURNENDU NATH
S/O- KARUNA KANTA NATH
VILL-RONGPUR PT I
P.O-APPIN
P.S-LALA
DIST-HAILAKANDI
PIN-788161

59: DAYANANDA DOLEY
S/O- CHAMPALAL DOLEY
VILL-LAKIBORCHUK
P.O-KEKORI POMUA
P.S-DHAKUAKHANA
DIST-LAKHIMPUR
PIN-787055

60: MOSTAFA ALOM
S/O- AHMED ALI
VILL-LALMATI PT II
P.O-JALABILA
P.S-BAGRIBARI
DIST-KOKRAJHAR
PIN-783348

61: SHAKILUR RAHMAN LASKAR
S/O- ABDUL QUDDUS LASKAR
VILL-NEAIRGRAM
P.O-NEAIRGRAM
P.S-SILCHAR SADAR
DIST-CACHAR
PIN-788013

62: NABAJIT HAZARIKA
S/O- TARUN HAZARIKA
VILL-CHUNGAPARA
P.O-PANIGAON
P.S- PANIGAON
DIST-LAKHIMPUR
PIN-787052

63: INAMUL HAQUE
S/O- SAHNUR ALI
VILL-NIZ PAKOWA
P.O-NIZ PAKOWA
P.S-BELSOR
DIST-NALBARI
PIN-781353

64: BIMAL KANTI DAS
S/O- LALMOHAN DAS
VILL-HARINTILLA
P.O-HARINTILLA
P.S-SILCHAR
DIST-CACHAR
PIN-788011

65: MAUMITA DEY
D/O- PANKAJ KUMAR DEY
VILL-CHARAKURI NEAR BSF CAMP

P.O-SRIBHUMI
P.S-SRIBHUMI
DIST-KARIMGANJ
PIN-788711

66: IMRANA BEGUM
D/O- SAFIQUR RAHMAN
VILL-BAMUNGAON
P.O-UDALIBAZAR
P.S-LANKA
DIST-HOJAI
PIN-782446

67: MUFLIHA NAZMA
C/O- LT SULTAN AHMED
VILL-BHOJKHOWA
P.O-BHOJKHOWA CHAPORI
P.S-TEZPUR
DIST-SONITPUR
PIN-784027

68: TRIPTI REKHA GORAIT
D/O- LT HEMKANTA GORAIT
VILL-KHUMTAI NAGAON
P.O-KHUMTAI
P.S-KAMARGAON
DIST-GOLAGHAT
PIN-785619

69: FARUQUE AHMED
S/O- ZULHASH ALI
VILL-SONTOSHPUR
P.O-SONTOSHPUR
P.S-MERERCHAR
DIST-BONGAIGAON
PIN-783384

70: RAKTIMA GOGOI
W/O- NABAJIT BORGOHAIN
VILL-MATHURAPUR
P.O-MATHURAPUR
P.S-MATHURAPUR
DIST-CHARAIDEO
PIN-785689

71: SURABHI DEY
S/O- DURJOY DEY
VILL-KALDOBA PT I
P.O-AGOMANI
P.S-AGOMANI
DIST-DHUBRI
PIN-783335

72: JOGADIS DEB
S/O- LT JYOTIRMOY DEB
VILL-LEFERA
P.O-BORHAT
P.S-BORHAT
DIST-CHARAIDEO
PIN-785693

73: RUMI KOIRI
D/O- DEBANANDA KOIRI
VILL-MORAN NATUN NAGAR
P.O-MORANHAT
P.S-MORANHAT
DIST-DIBRUGARH
PIN-785670

74: MADHUSMITA BAISHYA
D/O- LT DINESH BAISHYA
VILL-NAHARBARI BANGALI
P.O-MAZROWMARI
P.S-DHEKIAJULI
DIST-SONITPUR
PIN-784117

75: AMINUR ISLAM
S/O- AMZAD ALI
VILL-BALAJAN PT I
P.O-BALAJAN
P.S-GAURIPUR
DIST-DHUBRI
PIN-783331

76: MOHAN LAL PRADHAN
S/O- DHAN BAHADUR PRADHAN
VILL-AMTOLA BORIGAON
P.O-HALEM
P.S-HALEM
DIST-BISWANATH
PIN-784170

77: ALISMITA LAHKAR
C/O- KARUNA KANTA LAHKAR
VILL-BAGHMARA
P.O-GHOGRAPAR
P.S-GHOGRAPAR
DIST-NALBARI
PIN-781369

78: PAPU MALAKAR
S/O- SUBRATA MALAKAR
VILL-SRIPUR

P.O-PATHARKANDI
P.S-PATHARKANDI
DIST-KARIMGANJ
PIN-788724

79: SAFIUL ALOM CHOUDHURY
S/O-NIZAM UDDIN CHOUDHURY
VILL-MAMBARI
P.O-PATHARKANDI
P.S-PATHARKANDI
DIST-SHRIBHUMI
PIN-788724

80: SABIKUN NAHAR
VILL-DHUBANG KHAITY
P.O-CHETUAI KHAITY
P.S-LAHARIGHAT
DIST-MORIGAON
PIN-782127

81: FARUK HUSSAIN
S/O- LT. NUR HUSSAIN
VILL-BARANGABARI
P.O-DIGHIRPAR
P.S-MANGALDAI
DIST-DARRANG
PIN-784144

82: ASZAD ALI KHAN
S/O-MD KUTUB UDDIN KHAN
VILL-KANKALASH
P.O-BHANGABAZAR
P.S-BADARPUR
DIST-SRIBHUMI
PIN-788701

83: MD SHAMIM AHMED
S/O- ABDUL MUHIT
VILL-SRIGOURI
P.O-SRIGOURI
P.S-BADARPUR
DIST-SRIBHUMI
PIN-788806

84: GHANAKANTA PEGU
S/O- KULADHAR PEGU
VILL-KALIYANI GAON
P.O-PIPALGURI
P.S-SILAPATHAR
DIST-DHEMAJI
PIN-787110

85: ADITYA PEGU
S/O- AGANATH PEGU
VILL-KOCHEK GAON
P.O-BURISUTI
P.S-SILAPATHARS
DIST-DHEMAJI
PIN-787110

86: HRISHAB DAS
S/O- KIRENDRA CHANDRA DAS
VILL-SIDDHIPUR
P.O-KATIRAIL
P.S-KATIGORAH
DIST-CACHAR
PIN-788804

87: URMILA BANIYA
D/O- GULAB BANIYA
VILL-PARBATIPUR NO 10
P.O-GABHARUBHETI
P.S-PHILLOBARI
DIST-TINSUKIA
PIN-786160

88: SALMA BEGUM
D/O- ABUL HASHEM MIAH
VILL-HEDAYETPUR W/N-16
P.O-GOALPARA
P.S- GOALPARA
DIST-GOALPARA
PIN-783101

89: N.M SHAKILA AKTAR LASKAR
D/O- SAFIQUE UDDIN LASKAR
VILL-UTTAR KRISHNAPUR
P.O-UTTARKRISHNAPUR
P.S-SILCHAR
DIST-CACHAR
PIN-788006

90: JAGRITEE SARKAR
D/O- JIBAN SARKAR
VILL-BANK COLONY W/N-18
P.O-HOJAI
P.S-HOJAI
DIST-HOJAI
PIN-782435

91: PALLABI GOGOI
D/O- LT KANAK GOGOI
VILL-RAICHAH
P.O-DEMOW

P.S-DEMOW
DIST-SIVASAGAR
PIN-785662

92: KANKANA BORA
D/O- PRABHAT BORA
VILL-DIPOTA
P.O-DIPOTA
P.S-BEBEJIA TINIALI
DIST-SONITPUR
PIN-784150

93: TAHIRUL ISLAM CHOUDHURY
S/O- MOJRUL ISLAM CHOUDHURY
VILL-CHANDANPUR
P.O-MAIZGRAM
P.S-SRIBHUMI
DIST-SRIBHUMI
PIN-788712

94: BENUDHAR KALITA
S/O- PADMA KALITA
VILL-DHUNAGURI KALITA
P.O-DHUNAGURI
P.S-SILAPATHAR
DIST-DHEMAJI
PIN-787110

95: SURAJ DEY
S/O- SUKUMAR DEY
VILL-ITAKHOLA
P.O-PADUM PUKHURI
P.S-HOJAI
DIST-HOJAI
PIN-782435

96: GAKUL MANDAL
S/O- SURYA KANTA MANDAL
VILL-KENDUGURI
P.O-JUGIJAN
P.S-HOJAI
DIST-HOJAI
PIN-782429

97: HEDAYET ULLAH
S/O- ASHRAF ALI
VILL-BAGURIGURI
P.O-MALIBARI PATHERBABAR
P.S-BOKO
DIST-KAMRUP
PIN-781136

98: RAKESH DAS
S/O- DEBENDRA DAS
VILL-SHANTI COLONY
P.O-ASSAM UNIVERSITY P.S-SILCHAR
DIST-CACHAR
PIN-788011

99: KRISHNA BARMAN
S/O- ANIL BARMAN
VILL-MALIBARI SATRA
P.O-MALIBARI BAZAR
P.S-BOKO
DIST-KAMRUP
PIN-781136

100: RATAN BARMAN
S/O- ANIL BARMAN
VILL-MALIBARI SATRA
P.O-MALIBARI BAZAR
P.S-BOKO
DIST-KAMRUP
PIN-781136

101: GULAM RABBANI
S/O- AMIN ALI
VILL-PUNIYANI
P.O-SOLMARA
P.S-TEZPUR
DIST-SONITPUR
PIN-784501

102: NANDITA DAS
D/O- JAGOMOHAN DAS
VILL-BALIGHAT
P.O-ARUNACHAL
P.S-SILCHAR
DIST-CACHAR
PIN-788025

103: ASHIQUR KHAN
S/O- AKKASH ALI KHAN
VILL-BHOMORAGURI
P.O-BHOJKHOWA CHAPORI
P.S-TEZPUR
DIST-SONITPUR
PIN-784027

104: MOHIBUL MONDAL
S/O- AKABBAR ALI MONDAL
VILL-KAIMARI PT VII
P.O-KAIMARI
P.S-GOLAKGANJ

DIST-DHUBRI
PIN-783335

105: CHITTARANJAN ROY
S/O- LT HARIPADA ROY
VILL-JHAPUSABARI PT IV
P.O-SOUTH JHAPUSABARI
P.S-AGOMANI

DIST-DHUBRI
PIN-783335

106: SAHNEWAJUDDIN SAIKIA
S/O- LT MANSUR ALI
VILL-JAPIA
P.O-JAPIA
P.S-HAJO
DIST-KAMRUP
PIN-781382

107: JIYAUL HAQUE
S/O- SOMSER ALI
VILL-BHEHBARI
P.O-GURMOW
P.S-RANGIA
DIST-KAMRUP
PIN-781366

108: MANIK SAIKIA
S/O- DHANESWAR SAIKIA
VILL-MADARGURI KALITA GAON
P.O-JAMUGURI PANCHALI
P.S-DHEMAJI
DIST-DHEMAJI
PIN-787057.

109: BISHALI TALUKDAR
D/O- LT LAKSHMI KT TALUKDAR
VILL-BIHAMPUR
P.O-MULARKUCHI
P.S-BELSOR
DIST-NALBARI
PIN-781303

110: GOUTAM ACHARJEE
S/O- GOURANGA ACHARJEE
VILL-KACHARIGAON
P.O-KAMANDANGA
P.S-TAMARHAT
DIST-DHUBRI
PIN-783332

111: MAMLIN LASKAR
D/O- SHANEWAZ RAJIB MAZARBHUIYA
VILL-RAMPUR
P.O-NAME
P.S-NAME
DIST-CACHAR
PIN-788110

112: HAREKRISHNA ROY
S/O-HARENDRA NATH ROY
VILL-KAIMARI PT II
P.O-KAIMARI
P.S-GOLAKGANJ
DIST-DHUBRI
PIN-783335

113: JYOTSNA RANI DEVI
D/O- SUBUDH CHANDRA NATH
VILL-MAYENGIA
P.O-CHARAIBAHI
P.S-MIKIRBHETA
DIST-MORIGAON
PIN-782106

114: MEGHALI BANIK
C/O- MADAN BANIK
VILL-SAMAGURI
P.O-SAMAGURI
P.S-SAMAGURI
DIST-NAGAON
PIN-782140

115: ASMA BEGUM
W/O- HAFIZUDDIN AHMED
VILL-ALISINGA URIAMGURI
P.O-PANCHMILE
P.S-TEZPUR
DIST-SONITPUR
PIN-784025

116: RINA DEKA
D/O- GOBINDA DEKA
VILL-GOPCHAR
P.O-SILKIJHAR
P.S-GOESWAR
DIST-BAKSA
PIN-781366

117: S BHARATI SHARMA
W/O- S PREMANANDA SHARMA

VILL-GOBINDANAGAR PT I
P.O-GOBINDANAGAR
P.S-SONAI
DIST-CACHAR
PIN-788119

118: DULALI ROY
W/O- DIPAK DAS

VILL-RAMRAIKUTI PT II
P.O-SATRASAL
P.S-AGOMANI
DIST-DHUBRI
PIN-783335

119: BAHAR UDDIN LASKAR
S/O- ABDUR RASHID LASKAR
VILL-CHANGMAJI
P.O-CHANGMAJI
P.S-DOBOKA
DIST-HOJAI
PIN-782440

120: IMRAN HUSSAIN
S/O- ABDUL MOTIN
VILL-BIHARA PT IV
P.O-KALAIN
P.S-KALAIN
DIST-CACHAR
PIN-788817

121: ARUP BORAH
S/O- LT RUPAN BORAH
VILL-AKHOIPHULIA
P.O-AKHOITHUTIA
P.S-SIBASAGAR
DIST-SIVASAGAR
PIN-785697

122: DALIM KUMAR NATH
S/O- LT BISADU RAM NATH
VILL-SURJYAKHATA
W/N-4
P.O-BILASIPARA
P.S-BILASIPARA
DIST-DHUBRI
PIN-783348

123: SAHIDUL ISLAM MAZUMDER
S/O- JAMAL UDDIN MAZUMDER
VILL-BAMUNAGON
P.O-1 NO PIPAL PUKHURI

P.S-LANKA
DIST-HOJAI
PIN-782446

124: SABIKUN NAHAR
S/O- FAZLUL HOQUE
VILL-DHUBANG KHAITY
P.O-NAME

P.S-NAME
DIST-MORIGAON
PIN-782127

125: SEWALI SWARGIARY
D/O- DAMENDRA SWARGIARY
VILL-KHEDELAPARA
P.O- KUSHDOWA
P.S- RANGJULI
DIST-GOALPARA
PIN-783124

126: MOHAN GOGOI
S/O- LT FATIK GOGOI
VILL-GOGAMUKH RONGPURIA
P.O-KUSHDHOWA
P.S- GOGAMUKH
DIST-DHEMAJI
PIN-787034

127: GOLAP SAIKIA
S/O- BALU SAIKIA
VILL-MODARGURI KALITA
P.O-JAMUGURI PANCHALI
P.S-DHEMAJI
DIST-DHEMAJI
PIN-787057

128: PARTHA PRATIM TALUKDAR
S/O- GHANAKANTA TALUKDAR
VILL-BARGHOPA
P.O-BARGHOPA
P.S-SARTHEBARI
DIST-BARPETA
PIN-781312

129: MONOWARA BEGUM LASHKAR
D/O- SAWKAT ALI LASHKAR
VILL-NIAMOTHPUR
P.O-SARBANANDAPUR
P.S-LALA
DIST-HAILAKANDI
PIN-788163

130: MD YEAHYEA ALOM
S/O- MD SIRAJ UDDIN
VILL-UTTAR BADEJAMA
P.O-BARAIGRAM
P.S-PATHARKANDI
DIST-KARIMGANJ

PIN-788723

131: ASFIA SULTANA
W/O- INAMUL HOQUE
VILL-KOROIONI CHAPORI
P.O-KALIABHOMORA
P.S-TEZPUR
DIST-SONITPUR.

132: SANKAR CHANDRA ARJYA
S/O-NAREN CHANDRA ARJYA
VILL-GERUKABARI
P.O-GERUKABARI
P.S-MANIKPUR
DIST-BONGAIGAON

133: SALAH AMIN
S/O- ASKAR ALI
VILL-BEHARA PART IV
P.O- BEHARA PART IV
P.S-KALAIN
DIST-CACHAR
PIN-788817

134: PABITRA KULI
S/O- JAYANTA KULI
VILL-SILABORGULI
P.O-SILAPATHAR
P.S-SILAPATHAR
DIST-DHEMAJI
PIN-787059

135: MORTUJA HUSSAIN
S/O- ABDUL SUKKUR
VILL-KANKALASH
P.O-BHANGA BAZAR
P.S-BADARPUR
DIST-KARIMGANJ
PIN-788701

136: MONISHA TAMANG
D/O- BINUD TAMANG
VILL-PITHAPATHER
P.O-RAJGARH

P.S-TINGKHONG
DIST-DIBRUGARH
PIN-786611

137: BIKASH DEB
S/O-BIJAY DEB.
VILL - BAIDYANATHPUR
P.O - ERALIGOOOL
P.S - PATHARKANDI
DIST - SRIBHUMI (KARIMGANJ)
PIN - 788723.

138: PURABI BARUAH
D/O DIPALI BARUAH
VILL - FATASHIL AMBARI
GUWAHATI
P.O - AMBARI
DIST - KAMRUP (M)
PIN - 781025

139: SAIBIN ARA BEGUM
D/O SAHARBAN BEGUM
VILL - KATAHBARI
GUWAHATI
P.O - GARCHUK
DIST - KAMRUP (M)
PIN - 781035
MOBILE9854143175

140: IMRAN ALI
S/O LT. SIDDIK ALI
VILL. CHANGAJN
P.O. BAJBATAMARI
DIST- NAGAON
PIN-782425

141: HASIM ALI SHEIKH
C/O KAZIM UDDIN
VILL. TUMNI
P.S. SOUTH SALAMARA
DIST- SOUTH SALAMARA MANKACHAR
PIN-783127

142: GAYATRI DAS
C/O LT. BHADRESWAR DAS
VILL. AMTOLA NO.2
P.S. CHYAGAON
DIST- KAMRUP
PIN-781134

143: REESHINATH BARIK
C/O INDRA BARIK

VILL. NO. 1 HATIGARH T.E.
DIST- UDALGURI
PIN-784524.

144: NIPENDRA CHANDRA SEAL
C/O NAGENDRA CHANDRA SEAL
VILL. PURANDIARA
P.S. SOUTH SALAMARA
DIST- SOUTH SALAMARA MANKACHAR
PIN-783135

145: GITANJOLI HAZARIKA
W/O RANJIT DAS
VILL. BARBARI
P.O. BURHA
DIST- DARRANG
PIN-784148

146: HEMANTA PEGU
C/O ANANDA PEGU
VILL. MEMBERCHUK
P.S. SILAPATHAR
DIST- DHEMAJI
PIN-787059

147: KARABI DEVI
C/O TANURAM NATH
VILL. AND P.O. GASHPARA
DIST- NAGAON
PIN-782425

148: MD. SHOHIDUR ROHMAN
C/O ISA HOQUE ALI
VILL. AND P.O. PURANDIARA
DIST- SOUTH SALMARA MANKACHAR
PIN-783135

149: RAMKRISHNA SAHA
C/O BABLU SAHA
VILL. BIDYARDABRI
P.S. GOLAKGANJ
DIST- DHUBRI
PIN-783335

150: SUSTOM MURMU
C/O JOYEL MURMU
VILL. BHAIRIGURI
P.O. SRIRAMPUR
DIST- KOKRAJHAR
PIN-783361

151: TAPASH CH SARKAR

S/O TARANI SARKAR
VILL. MADHYA PETLA
P.O. PETLAGAON
DIST- DHUBRI
PIN-783332

152: DEBA SAIKIA
C/O HEMORAM SAIKIA
VILL. MODARGURI KALITA GAON
P.O. JAMUGURI PANCHALI
DIST- DHEMAJI

153: KRITANTA KR ROY
C/O INDRAJIT KUMAR ROY
VILL. CHOTO DIGHALTARI
P.O. SAGOLIA
DIST- DHUBRI
PIN-783335

154: SUNIL BARMAN
C/O HARISH CHANDRA BARMAN
VILL. CHAGOLIA PT-II
P.S. GOLAKGANJ
DIST- DHUBRI
PIN-783335

155: RAJESH SUTRADHAR
C/O NRIPENDRA SUTRADHAR
VILL. ALOICHERRA
P.S. KATLICHERRA
DIST- HAILAKANDI
PIN-788165

156: SHEKHAR SHARMA
S/O TILAK SHARMA
VILL. NO. 2 SANTIPATHAR
PS. SILAPATHAR
DIST- SHEMAJI
PIN-787059

157: UPASANA GOSWAMI
C/O LAKHIDHOR GOSWAMI
VILL. KACHARIHAT GAON
P.O. KACHARIHAT
DIST- GOLAGHAT
PIN-785702

158: JITEN DOLEY
C/O ARGESWAR DOLEY
VILL. BHELAIMORA
P.S. SIMEN CHAPORI

DIST- DHEMAJI PIN-787061

159: DIPAMONI LAGACHU
C/O GHANAKANTA LAGACHU
VILL. MIGANG DOLUNG
P.O. DEKAPAM
DIST- DHEMAJI
PIN-787061

160: RAJU CHOWHAN
C/O BHIMUA CHOWHAN
VILL. BEGARKASH
P.S. SHYMTILA
DIST- DARRANG
PIN-784198

161: ALBIN BEGUM
C/O AFAZ ALI
VILL AND P.O. KAMARKUCHI
DIST- NALBARI
PIN-781347

162: MD. BIPLOB HUSSAIN
C/O MD. ABUL BEPARI
VILL KAKRIPARA
P.O. MANKACHAR
DIST- SOUTH SALAMARA MANKACHAR
PIN-783131

163: HIMANJAN RAY
C/O SATISH CHANDRA RAY
VILL. CHOKAPARA PT-2
P.S. BONGAIGAON
DIST- BONGAIGAON
PIN-783380

164: BHABEN TAYE
C/O MASTAN TAYE
VILL. BHAGAWAN MISING
P.O. BHAGAWAN
DIST- DHEMAJI
PIN-787059

165: NAJIMA ALMAMUN
C/O JAHAN UDDIN
VILL. JAHARMURA
P.O. BAGRIBARI
DIST- DHUBRI
PIN-783349

166: PRAJNA SARMAH
C/O NITUPAN BORTHAKUR

VILL. NAHARANI
P.S. SARUPATHAR
DIST- GOLAGHAT
PIN-785601

167: ABUL KASEAM
S/O ABDUL MALIK
VILL. NIAMOTHKHANI
P.O. MULLAGANJ BAZAR DIST- SRIBHUMI
KARIMGANJ
PIN-788719

168: SHAKTI RANJAN DOLEY
C/O JITENDRANATH DOLEY
VILL. RATANPUR MIRIGAON
P.S. JENGRAIMUKH
DIST- MAJULI
PIN-785105

169: SABIKUN NAHAR PRODHANI
C/O MEHBUBUL HAQUE
VILL. FULKUMARI
P.O. KHUDIMARI
DIST- DHUBRI
PIN-783331

170: ABBAS ALI
C/O JABBAR ALI
VILL. POKALAGI PT-III
P.O. AGOMANI
DIST- DHUBRI
PIN-783335

171: SUSHMA DEVI
C/O ARJUN KARKI
VILL. SIMALUGURI
P.S. THELAMARI
DIST- SONITPUR
PIN-78414

VERSUS

THE STATE OF ASSAM
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF EDUCATION, DISPUR, GUWAHATI-06, ASSAM

2:THE DIRECTOR OF ELEMENTARY EDUCATION
KAHILIPARA
GUWAHATI-19

3:THE UNION OF INDIA
REP. BY THE SECRETARY TO THE MINISTRY OF HUMAN RESOURCE
DEVELOPMENT
DEPARTMENT OF SCHOOL EDUCATION AND LITERACY 122-C
SASTRI BHAWAN
NEW DELHI-01

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

- B E F O R E -

HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

For the Petitioner(s) : Mr. M. Kalra, Advocate, &
Mr. A.B. Dey, Advocate.

For the Respondent(s) : Mr. D. Saikia, Advocate General, assisted
by Mr. S.M.T. Chistie, Standing Counsel,
Elementary Education, Ms. S. Chutia,
learned Standing Counsel, Elementary
Education and Ms. R. Baruah, Advocate,
for respondent Nos. 1 & 2.

Mr. I. Alam, Standing Counsel, NCTE,
for respondent No. 4.

Date of Hearing : 19.09.2025.

Date of Judgment : **24.09.2025.**

JUDGMENT & ORDER (ORAL)

Heard Mr. M. Kalra, learned counsel, and Mr. A.B. Dey, learned counsel, appearing for the writ petitioners. Also heard Mr. D. Saikia, learned Advocate General Assam, assisted by Mr. S.M.T. Chistie, learned Standing Counsel, Elementary Education, Ms. S. Chutia, learned Standing Counsel, Elementary Education, and Ms. R. Baruah, learned

counsel, appearing for the State respondent Nos. 1 & 2, and Mr. I. Alam, learned Standing Counsel, NCTE, appearing for the respondent No. 4.

2] The writ petitioners, a group of candidates aspiring for appointment as Assistant Teachers have filed this writ petition challenging, *inter alia*, the notification dated 17.06.2025 issued by the Directorate of Elementary Education, Assam, requiring candidates who have successfully submitted their applications with 18-month Diploma in Elementary Education from NIOS against the advertisement dated 26.12.2023 to attend physically the second phase of verification with specified documents for verifying whether they were in-service as on the cut-off date, i.e., 10.08.2017, for the purpose of treating them as diploma holders and thereby qualifying them for considering in the recruitment process of Assistant Teacher of L.P. Schools under the Directorate of Elementary Education, Assam.

3] The factual matrix of the case is that by advertisement dated 26.12.2023, applications were invited for filling up of 3,800 vacancies of Assistant Teacher of L.P. Schools under the Directorate of Elementary Education, Assam, wherein the eligibility criteria as prescribed under Clause 15 of the advertisement reads as under:

“Eligibility Criteria for LP Schools as per Govt. in Department of School Education Notification No. eCF-303428 dated 29/11/2023

Sl. No.	Category of Post	Essential Qualification & experiences	Marking/ Weightage
1	Assistant Teacher for Lower Primary School	Higher Secondary/ Senior Secondary (or its equivalent) with at least 50 % marks	5 % of marks secured in Higher Secondary/ Senior Secondary or equivalent Examinations.
		And 2-year Diploma in Elementary Education (by whatever name known)	5 % of marks secured in Diploma in Elementary Education (D.El.Ed) or Bachelor of Elementary Education (B.El.Ed) examination or Diploma in Education (Special Education).
		And Assam TET or Central TET for Lower Primary	85 % of marks secured in Teachers' Eligibility Test (TET) for Lower Primary Schools.
		(Non-Essential) 1. NCC Certificate - 5 marks for "C" Certificate and 3 marks for "B" Certificate Or 2. 5 marks for participation/achievement in recognized sports at National Level or beyond representing State or Nation. Or 3. 5 marks for participation/achievement in recognized Fine Arts and	5 Marks (Maximum) Even if the candidate possesses all the three qualification/ achievements

		<i>Cultural Activities representing State at National Level or Beyond representing State or Nation (organized by recognized institutions).</i>	
		Maximum Total Marks	100

4] One of the essential qualifications and experiences mandated under the advertisement is a 2-year Diploma in Elementary Education. It is pertinent that the National Council for Teacher Education (hereinafter referred to as "NCTE") by notification dated 23.08.2010 prescribed the minimum qualification for teachers in Class-I to VIII, amongst others, in the subject schools, making a Diploma in Elementary Education mandatory. The relevant portion of the said minimum qualifications reads as under:

“(a) Senior Secondary (or its equivalent) with at least 50 % marks and 2 years Diploma in Elementary Education (by whatever name known)

OR

Senior Secondary (or its equivalent) with at least 45 % marks and 2 years Diploma in Elementary Education (by whatever name known), in accordance with the NCRE (Recognition Norms and Procedure) Regulations 2002.”

5] Thereafter, the NCTE framed the National Council for Teacher Education (Determination of Minimum Qualifications for Persons to be Recruited as Education Teacher and Physical

Education Teacher in Pre-primary, Upper Primary, Secondary, Sr. Secondary or Intermediate Schools or Colleges) Regulation 2014 (hereinafter referred to as the "NCTE Regulation, 2014"), which came to effect on 12.11.2014, wherein under the 1st Schedule the minimum academic and professional qualifications for primary and upper primary (for classes I-VIII) is prescribed as "*Minimum qualifications as laid down by National Council for Teacher Education vide its notification dated 23.08.2010 as amended from time to time issued in exercise of the powers conferred under Sub-section (1) of Section 23 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009)*"

6] Following this, Section 23 of the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as the "RTE Act, 2009"), which prescribed that the minimum qualifications required for appointment to the post of teacher are a 2-year diploma, amongst others, as laid down by the NCTE notification dated 23.08.2010, was amended to grant time to the existing teachers without the minimum qualifications to acquire it by 31st March, 2019, vide the Amendment Act No. 24 of 2017 dated 09.08.2017 (hereinafter referred to as the "Amendment Act, 2017"), which was notified by way of a gazette notification on 10.08.2017. Section 23 of the said RTE Act, 2009 post the said amendment, reads as under:

"23. Qualifications for appointment and terms and conditions of service of teachers.—(1) Any person possessing such minimum qualifications, as laid down by an academic authority, authorised by

the Central Government, by notification, shall be eligible for appointment as a teacher.

(2) Where a State does not have adequate institutions offering courses or training in teacher education, or teachers possessing minimum qualifications as laid down under sub-section (1) are not available in sufficient numbers, the Central Government may, if it deems necessary, by notification, relax the minimum qualifications required for appointment as a teacher, for such period, not exceeding five years, as may be specified in that notification:

Provided that a teacher who, at the commencement of this Act, does not possess minimum qualifications as laid down under sub-section (1), shall acquire such minimum qualifications within a period of five years:

[Provided further that every teacher appointed or in position as on the 31st March, 2015, who does not possess minimum qualifications as laid down under sub-section (1), shall acquire such minimum qualifications within a period of four years from the date of commencement of the Right of Children to Free and Compulsory Education (Amendment) Act, 2017 (24 of 2017).]

(3) The salary and allowances payable to, and the terms and conditions of service of, teachers shall be such as may be prescribed.”

7] It was thus provided by the aforesaid amendment that every teacher who had been appointed or was in service as of 31.03.2015, but did not possess the minimum qualifications of 2 years under subsection (1) of section 23 can acquire such minimum qualifications within a period of 4 years from the date of commencement of the said amendment, i.e., 10.08.2017. In short, if a teacher is short of such minimum qualifications, the same can be acquired within

a period of 4 years from the said cut-off date, i.e., 10.08.2017.

8] Accordingly, the Ministry of Human Resource Development (hereinafter referred to as "MHRD") by letter dated 03.08.2017 directed all the secretaries of state and union territories to ensure that all the teachers in government schools possess minimum qualifications as amended under the said RTE Act, 2009, and a last chance was being given to all such teachers to acquire the same by 31.03.2019. It was further directed that failure to acquire the said qualification within the stipulated period of 2 years would result in dismissal from service. Since the time gap between 31.03.2015, as stipulated in the Amendment Act, 2017, and 31.03.2019, as specified in the letter dated 03.08.2017 by the MHRD, is 2 years, an expert committee was constituted to review the feasibility of meeting the requirement under the Amendment Act, 2017, whereunder, by way of an one-time measure, every teacher who had been appointed or was in service as of 31.03.2015 but did not possess the requisite minimum qualification of a 2-years diploma was provided an opportunity to acquire the same within a period of 4 years from the cut-off date.

9] Hence, an expert committee was constituted to review the feasibility of meeting the requirement under the said amendment. On 22.09.2017, the NCTE, after considering the recommendations of the said expert committee, granted relaxation to certain provisions of the said NCTE Regulation, 2014, by reducing the duration of the Diploma in Elementary

Education course from 2 years to 18 months by subsuming the 6-month internship within the 18 months. Be it mentioned that the NCTE granted recognitions/approval to the National Institution of Open Schools (hereinafter referred to as the "NIOS") for conducting the 18-month Diploma in Elementary Education program through Online Distance Learning (hereinafter referred to as the "ODL") mode via the SWAYM portal of MHRD for training of such of the in-service untrained teachers by 31.03.2019. Apposite that the aforesaid relaxation was derived from the NCTE statutory power under the National Council for Teacher Education Act, 1993 (hereinafter referred to as the "NCTE Act"), read with directions issued by the Central Government under Section 23 of the RTE Act, 2009.

10] Thereafter, the validity of said relaxation of the 18-month diploma course in elementary education came up before the Apex Court in the case of ***Viswanath and Ors. v. State of Uttarakhand***, in ***Civil Appeal No. 7873/2023***, which was disposed of by judgment dated **28.11.2023**. Subsequently, by a review petition, being ***Review Petition (C) No. Diary No. 4961/2024***, the petitioners in ***Viswanath and Ors. (supra)*** sought review of the said judgment dated 28.11.2023, passed by the Apex Court on the ground that though they were in employment and covered by the relaxation/recognition order dated 22.09.2017, they apprehended that the judgment under review would come in their way if they wanted to better their prospects by applying either to other institutions or for

promotional avenues. The Apex Court, having noted that it was clarified in the judgment under review that the one-time scheme was provided solely to safeguard the interest of those teachers who were employed as of 10.08.2017, i.e., the fixed cut-off date, in order to avoid any confusion, vide the judgment dated **10.12.2024**, clarified that the 18-month diploma which has been obtained by persons who were employed on or before the cut-off date, would be treated as a valid diploma for the purpose of applying to other institutions or for promotional avenues. The relevant paragraph of the aforesaid judgment reads as under:

“2. We have already clarified in the judgment under review that the one-time scheme was provided solely to safeguard the interests of those teachers who were employed as on 10.08.2017. We are, therefore, not inclined to entertain the present review petitions as well as miscellaneous applications.

3. However, to avoid any confusion, we again clarify that the 18 months diploma obtained by such persons, who were in employment as on 10.08.2017 and who have completed the diploma course of 18 months, would be treated as valid diploma holders for the purpose of applying in other institutions promotional avenues.”

11] Pursuant to the aforesaid judgment of the Apex Court passed on 10.12.2024, the Government of Assam, Directorate of Elementary Education, Assam, by notification dated 17.06.2025, asked the candidates who have successfully submitted their online applications with 18 months of diploma education from NIOS against the subject advertisement to attend the second phase of physical document verification in due course of time when notified

with documents in support of their proof of in-service teacher as of the cut-off date. Aggrieved by the issuance of the aforesaid notification, which mandated the appearance of candidates who have submitted their online applications with an 18-month Diploma in Elementary Education from NIOS for the second phase of physical document verification along with documents for proof of being an in-service teacher as of the cut-off date, the instant writ petition has been filed by as many as 171 petitioners.

12] Mr. M. Kalra, learned counsel appearing for the writ petitioners, submit that by calling for additional documents vide the impugned notification dated 17.06.2025, the respondents have made it almost impossible for the writ petitioners to participate further in the subject recruitment process. He further submits that since the writ petitioners are from private schools and have already submitted their experience certificates as mandated under the terms and conditions of the advertisement, by introducing additional documents in support of proof of their in-service cutoff date criteria, the respondents have changed the rules of the game, thereby prejudicially affecting them.

12.1] He further submits that the impugned notification is totally ultra vires the decision of the Apex Court and amounts to a gross application of judicial directions. He further submits that the Apex Court unequivocally having clarified in the review petition judgment dated 10.12.2014 that the 18-month Diploma in Elementary Education (ODL) qualification obtained through NIOS by candidates who were in service as of the

cut-off date shall be treated as valid and the Apex Court having not prescribed additional evidentiary burdens, the impugned notification introducing mandatory second-phase physical verification with additional documents in support of the in service cut-off date criteria is totally illegal and arbitrary. He further submits that by imposing onerous documentary conditions, the respondent authorities, by the impugned notification, have clearly overreached and misinterpreted the judicial orders.

12.2] He further submits that since, while granting relaxation to the in-service teachers vide notification dated 22.09.2017, the state has already verified their in-service status, and hence, by imposing new impractical conditions only to disqualify otherwise eligible candidates, the impugned notification is totally ultra vires. He further submits that in any case it was the responsibility of the state to identify, nominate, and maintain the data of in-service untrained teachers as of the cut-off date, who were enrolled into the NIOS Diploma in Elementary Education program, and the writ petitioners could not have obtained admission into the program unless their data was shared by the State. He accordingly submits that the requirement to produce admission slips or similar records on the pretext of the Apex Court's order by the impugned notification is both redundant and unjust.

12.3] He further submits that the writ petitioners having produced their final Diploma in Elementary Education Certificate and Marksheet issued by NIOS, the demand for

additional documents such as admission records/slips is arbitrary and without any authority of law. He further submits that many of the writ petitioners served in private schools, some of which have since shut down or ceased to exist, especially post-Covid: The retrospective imposition of document requirement such as Minutes of School Managing Committees, authenticated attendance registers, Unified District Information System for Education (hereinafter referred to as "UDISE") records, or detailed salary statements is wholly unreasonable and practically impossible to satisfy. He further submits that UDISE, being a school-level data collection system essentially managed by administrative authorities, cannot be produced by the individual teachers. He further submits that the mandatory requirement for submitting the Minutes of the School Managing Committee approving the appointment of the individual teachers is absolutely without application of mind inasmuch as, firstly, it is not mandatory for the private schools to have a School Managing Committee, and secondly, in any case, the aforesaid minutes being maintained by the school, the respondent can easily obtain the same from the concerned school.

12.4] He further submits that the requirement for retrospective submission of detailed salary statements ignores the prevailing reality in private, unaided setups where payments were often made as a consolidated amount or in cash, with no formal payroll system. He further submits that since the recruitment process in question was conducted in

the year 2023 itself without imposing such additional documentary requirements for recruitment, the sudden imposition of such mandatory requirements in the year 2025 is totally discriminatory. He further submits that since similarly situated candidates in other states like West Bengal, Uttarakhand, and Assam, BTR, have been treated with parity by the Apex Court solely on the production of experience certificates and final qualification certificates, the impugned notification seeking additional documents is illegal. He further submits that the respondents are deliberately intending to exclude the petitioners, who are otherwise eligible candidates for consideration for appointment to the subject posts.

12.5] In support of his submissions, he relies upon the following decisions: -

(i) ***Sivanandan C.T. & Ors. V. High Court of Kerala & Ors.***, reported in **(2024) 3 SCC 799**,

(ii) ***Dolly Chhanda v. Chairman, JEE and Ors***, reported in **(2005) 9 SCC 779**,

(iii) ***State of U.P. v. Mohammad Nooh***, reported in **1957 SCC OnLine SC 21**,

(iv) ***Annam Adinarayana and Anr., v. State of Andhra Pradesh by the Secretary, Revenue Department, Hyderabad and Anr.***, reported in **1957 SCC OnLine AP 74**,

(v) ***Tej Prakash Pathak and Ors., v. Rajasthan High Court and Ors.***, reported in **(2025) 2 SCC 1**,

- (vi) ***Rai Sahib Ram Jawaya Kapur and Ors., v. State of Punjab***, reported in ***(1955) 1 SCC 553***,
- (vii) ***B.N. Nagarajan and Ors., v. State of Mysore and Ors.***, reported in ***1966 SCC OnLine SC 7***,
- (viii) ***Naresh Shridhar Mirajkar and Ors., v. State of Maharashtra and Anr.***, reported in ***AIR 1967 SC 1***,
- (ix) ***Whirlpool Corporation v. Registrar of Trade Marks, Mumbai***, reported in ***(1998) 8 SCC 1***.

13] *Per contra*, Mr. D. Saikia, learned Advocate General, submits that the instant writ petition is not maintainable inasmuch as contrary averments have been made in the writ petition. He submits that though the learned counsel appearing for the writ petitioners projected the writ petitioners as teachers who had worked in private schools; it has been averred in paragraph 2 of the writ petition that the writ petitioners are working as teachers in private, government-aided, and unaided schools in the State of Assam. He further submits that under the impugned notification, the respondent has not changed the rules of the games of the advertisement in question; however, he is only seeking additional documents to verify the in-service cut-off criteria as per the direction of the Apex Court in ***Viswanath and Ors. (supra)*** [Review Petition (C) No. Diary No. 4961/2024] for those candidates with an 18-month Diploma in Elementary Education from NIOS, who are availing the relaxation granted under the amendment Act, 2017, instead of the 2-year prescribed diploma.

13.1] He further submits that the writ petitioners all along knew that they had applied with an 18-month Diploma in Elementary Education from NIOS against the subject advertisement. He accordingly submits that the writ petitioners cannot question and/or have any grievance to produce documents in support of the in-service cutoff date criteria. He further submits that in view of the various false claims having been received, it has become essential for the State Government to verify the said in-service cut-off date criteria of the candidates who have applied for the subject advertisement. He further submits that UDISE being mandatory in the State of Assam, every school, including the private, government-aided, and unaided schools/educational institutions, must possess the UDISE code in order to be valid schools/educational institutions. He further draws the attention of this court to a few of the experience certificates enclosed in the writ petition as Annexure 2, for instance, the experience certificate issued to Mr. Atul Singha (writ petitioner No. 4) by the Principal of Chilarai Jatiya Vidyalaya, Mulagaon, having the school UDISE Code- 18040212506, to demolish the contention of the writ petitioners that it is not possible for a teacher to provide the details of the UDISE code. He further submits that under the provisions of the RTE Act, 2009, as well as the Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006 (hereinafter referred to as the "Regulation & Management Act, 2006"), it was mandatory for the schools/institutions to constitute School Managing Committees.

13.2] In support of his submissions, he relies upon the following decisions of the Apex Court: -

(i) ***Indian School, Jodhpur and Anr., v. State of Rajasthan and Ors.***, reported in **(2021) 10 SCC 517**,

(ii) ***State of Andhra Pradesh and Anr., v. Lavu Narendranath and Ors.***, reported in **1971 (1) SCC 607**,

(iii) ***Bishambhar Dayal Chandra Mohan and Ors., v. State of Uttar Pradesh and Ors.***, reported in **(1982) 1 SCC 39**,

(iv) ***Gulam Abbas and Ors., v. State of Uttar Pradesh and Ors.***, reported in **(1982) 1 SCC 71**.

(v) ***Naraindas Indurkhyia v. The State of Madhya Pradesh and Ors.***, reported in **(1974) 4 SCC 788**,

14] Mr. I. Alam, learned Standing Counsel, NCTE, appearing for the respondent No. 4, adopts the arguments made by Mr. D. Saikia, learned Advocate General, Assam.

15] I have given my prudent consideration to the arguments advanced by the learned counsels for both the contending parties and have perused the material available on record. I have also duly considered the written arguments and the case laws cited at the bar.

16] It appears that the writ petitioners, who claim to be valid diploma holders since they have obtained their 18-month Diploma in Elementary Education from NIOS under the ODL mode, have applied for appointment to the post of Assistant Teacher pursuant to the advertisement in question. It further

appears that though the minimum qualifications as per section 23 of the RTE Act, 2009, read with the NCTE regulation, 2014, is a 2-year Diploma in Elementary Education for the post of subject Assistant Teacher, as per the Amendment Act, 2017, opportunity was given to those teachers who did not possess the same as on the cut-off date, to obtain the same within 4 years from the cut-off date. It further appears that thereafter, the NCTE issued a recognition order dated 22.09.2017 for conducting diploma in elementary education program through ODL mode by NIOS for in-service untrained teachers at the elementary level working in government-aided and unaided schools by reducing the statutory duration of the diploma from 2 years to 18 months. It further appears that thereafter, the Apex Court in ***Viswanath and Ors. (supra)*** [Review Petition (C) No. Diary No. 4961/2024] clarified that the 18-month diploma obtained by such in-service employees as on 10.08.2017 who have completed the diploma course of 18 months would be treated as valid diploma holders for the purpose of applying to other institutions or for promotional avenues. It further appears that thereafter, in the case of ***Vishwanath Vs The State of Uttarakhand and Ors.***, in ***IA No. 37419 of 2025*** in ***T.P.(C) Nos. 42-43 of 2025***, upon an application being filed seeking direction for permitting the applicants therein, who were holding the 18-month Diploma in Elementary Education qualification form NIOS through ODL mode to participate in the ongoing counseling process and subsequently, be appointed to the post of Assistant Teacher in the ongoing recruitment process, the Apex Court having

observed that the case of the applicants therein, being covered by the Apex Court's clarification in **Viswanath and Ors., (supra)** [Review Petition (C) No. Diary No. 4961/2024], by judgment dated **05.03.2025**, directed the concerned State Government to consider the claims of the applicants therein in accordance with the said clarification dated 10.12.2024, passed by the Apex Court and if the applicants are found to be eligible, to appoint them in accordance with law. The relevant paragraph of the aforesaid judgment reads as under:

“20. No doubt that, this Court has upheld the 2012 Rules framed by the State Government, vide the judgment dated 28th November 2023. However, at the same time, this Court had clarified that such of the teachers, who were already in employment as on 10th August 2017, would be entitled to the benefit of One Time Scheme provided by the Government of India. This Court had held that such of the teachers who have completed the diploma course of 18 months would be treated as valid diploma holders for the purpose of applying in other institutions or for promotional avenues.

21. Indisputably, the other institutions' would also include the schools run by the State Governments.

22. We find that the case of the present applicants would be covered by this Court's clarification dated 10th December 2024.

23. We, therefore, direct the State Government to consider the claim of the applicants in accordance with the clarification dated 10th December 2024 and if the applicants are found to be eligible, to appoint them in accordance with law. The same shall be done within a period of three months from today.”

17] It further appears that thereafter, in the case of ***Kousik Das & Ors. vs. State of West Bengal & Ors.***, in ***Civil Appeal No. ... of 2025 arising out of SLP(C) No. 19139 of 2024***, the Apex Court by judgment dated **04.04.2025**, once again clarified that such teachers who were in employment as of 10.08.2017 and who completed the 18-month Diploma in Elementary Education (ODL) through NIOS before 01.04.2019 shall be considered as valid diploma holders for the purpose of applying in other institutions for the post of subject Assistant Teachers. Accordingly, the Apex court directed the respondent authorities to consider the candidature of such of the applicants therein who were in service as of 10.08.2017 and that those who, on verification, are found to satisfy the eligibility criteria shall be appointed thereafter. Relevant paragraphs of the aforesaid judgment read as under:

“27. It can thus be seen that this Court specifically observed that the NCTE Recognition Order dated 22nd September 2019 was issued so as to provide a one-time window to the teachers who were already working as on 10th August 2017 and who were required to acquire the minimum qualifications prior to 1st April 2019. However, the Court clarified that the said Recognition Order did not act as a direction to the State of Uttarakhand to act in contravention of its 2012 Service Rules and the advertisement issued on the basis of such Service Rules. In that light therefore this Court came to a finding that the decision of the Uttarakhand High Court to hold the 18 months D. El. Ed. (ODL) through NIOS as equivalent to the 2 years D. El. Ed. (Appendix 2 of 2014 NCTE Regulations) or 2 years D. El. Ed. through ODL (Appendix 9 of the 2014 NCTE Regulations) was erroneous.

28. It is clear that only such of the teachers who were in- service as on 10th August 2017 but who had not acquired the minimum qualifications till then could have availed of the one-time scheme as sanctioned by the NCTE Recognition Order dated 22 nd September 2019. Having availed of the one-time scheme, such of the teachers even though they only undertook the 18 months D. El. Ed. programme through NIOS they should be considered at par with a 2 years D. El. Ed., if they completed their 18 months programme through NIOS prior to 1st April 2019. Any other candidate who was not in-service as on 10th August 2017 cannot be considered to be at par with the 2 years D. El. Ed.

29. This Court in paragraph 56 of the aforesaid case crystallised the aforesaid position as follows:

“56. In view of what has been held by this Court hereinabove, we find that the High Court erred in holding that 18 months Diploma conducted by NIOS through ODL mode is equivalent to the 2 years regular Diploma, particularly so, when there was no material placed on record to even remotely hold that such a qualification was recommended by the Expert Body NCTE. On the contrary, the communication dated 6 September 2019 of NCTE, the directives of MHRD so also the recognition order dated 22 September 2017 clearly go on to show that the 18 months Diploma was provided as a one time window to the in-service teachers to acquire the minimum qualifications between the 2017 Amendment Act and the outer limit of 1st April 2019. In our considered view, the High Court has totally erred in holding that the 2 years Diploma is equivalent to 18 months Diploma.”

30. Perusal of the judgment and order of the learned Single Judge of the High Court would show that the learned Judge referred to paragraphs 44, 45, 56 and 57 of the judgment of this Court in the case of **Jaiveer Singh**. Further, the learned Judge observed that the D. El. Ed. offered by NIOS having a course period of 18 months under the ODL Mode is not recognized as a valid training qualification for recruitment to the post of Primary Teachers in India. Ultimately, the learned

Judge directed the WBBPE **to not recruit** any teachers holding D. El. Ed. issued by NIOS under ODL Mode, comprising of 18 months course, from the recruitment process of 2022 onwards.

31. On an intra-court appeal by some of the appellants, the Division Bench of the High Court dismissed the appeal.

32. It can therefore be seen that even though the learned Single Judge of the High Court placed reliance on paragraph 56 of the judgment of this Court in the case of **Jaiveer Singh** it came to the wrong conclusion inasmuch as it put a blanket ban on all teachers holding an 18 months D. El. Ed. through NIOS.

33. As observed hereinbefore, it is clear that the judgment of this Court in the case of **Jaiveer Singh** unequivocally held that the entire scheme emanating from the NCTE Recognition Order dated 22nd September 2017 was for the purpose of providing a window to the in-service teachers inasmuch as unless they would have acquired requisite qualifications prior to 1st April 2019, they would not have continued to remain in service and would have faced dismissal from service. As such, any teacher who was in-service as on 10th August 2017 and who acquired the qualification of D. El. Ed. by way of the 18 months programme through NIOS prior to 1st April 2019 is a valid diploma holder and at par with any other teacher who has completed the 2 years D. El. Ed. programme.

34. On this ground itself, we are of the considered view that the Division Bench of the High Court erred in not interfering with the judgment and order of the learned Single Judge.

35. We, however, also have the benefit of the order dated 10th December 2024 passed by this Court. The same was not available to the Division Bench at the time of passing of the impugned judgement and order.

36. By an order dated 10th December 2024 this Court, disposed of a batch of Review Petitions and Miscellaneous Applications filed in connection with the judgment of this Court in the case of **Jaiveer Singh**. It would be relevant to refer to the order dated 10th December 2024 in full, which is as follows:

“1. The grievance sought to be raised on behalf of the review petitioners and some of the applicants before this Court is that though they were in employment and covered by the recognition order dated 22.09.2017, they believe that the judgment and order of this Court dated 28.11.2023 (hereinafter ‘judgment under review’) would come in their way if they want to make better their prospects by applying either in other institutions or for promotional avenues.

2. We have already clarified in the judgment under review that the one-time scheme was provided solely to safeguard the interests of those teachers who were employed as on 10.08.2017. We are, therefore, not inclined to entertain the present review petitions as well as miscellaneous applications.

3. However, to avoid any confusion, we again clarify that the 18 months diploma obtained by such persons, who were in employment as on 10.08.2017 and who have completed the diploma course of 18 months, would be treated as valid diploma holders for the purpose of applying in other institutions or for promotional avenues.

4. Needless to state that the clarification will be effective from the date of pronouncement of the judgment under review.

5. With the aforesaid clarification, the review petition(s) as well as all miscellaneous applications, including all the pending applications, are disposed of.” (emphasis supplied)

37. It can thus be seen that this Court observed that it had already clarified in the judgment of **Jaiveer Singh** that the one- time scheme was provided solely

to safeguard the interests of those teachers who were employed as on 10th August 2017. It can further be seen that to avoid any confusion, this Court in the review petition again clarified that such of the teachers who acquired the 18 months D. El. Ed. through NIOS and who were in employment as on 10th August 2017 would be treated as a **valid diploma holder** for the purpose of applying in other institutions or for promotional avenues. It was further made clear that the clarification issued by this Court on 10th December 2024 would be effective from the date of pronouncement of the judgment of this Court in the case of **Jaiveer Singh** i.e., 28th November 2023.

38. Not only that but this Court on 5th March 2025 by a judgment in **IA No. 37419 of 2025 in T.P. (C) No. 42-43 of 2025** titled as “**Viswanath vs. The State of Uttarakhand & Ors.**” faced with a similar fact situation, once again held that such of the teachers who were in employment as on 10th August 2017 and who had undertaken the 18 months D. El. Ed. through NIOS would be treated as valid diploma holders for the purposes of applying to other institutions or for promotional avenues.

39. It is, therefore, clear that in light of the judgment of this Court in the case of **Jaiveer Singh** so also the order dated 10th December 2024 in the case of **Viswanath**, the impugned judgment and order of the High Court is not sustainable.

40. We, therefore, pass the following order:

- i. The appeal is allowed;
- ii. The judgment and order dated 29th February 2024 passed by the learned Single Judge of the High Court is quashed and set aside;
- iii. The judgment and order dated 24th July 2024 passed by the Division Bench of the High Court is quashed and set aside;
- iv. The Writ Petition being W.P.A. No. 16118 of 2023 is dismissed.

v. We clarify that such of the teachers who were in employment as on 10th August 2017 and who completed the 18 months D. El. Ed. (ODL) programme through NIOS before 1st April 2019 shall be considered as valid diploma holders for the purpose of applying in other institutions and/or for promotional avenues.

vi. We direct the respondent-authorities to consider the candidature of such of the appellants who were in-service as on 10th August 2017 and that who, on verification, are found to satisfy the eligibility criteria shall be appointed within a period of three months from today.”

18] It appears that thereafter, the Directorate of Elementary Education, Assam, by the impugned notification dated 17.06.2025, asked the applicants who have successfully submitted their online applications with an 18-month Diploma in Elementary Education from NIOS against the subject advertisement to attend the second phase of physical document verification as and when the date is notified with the documents stipulated therein for the proof of in-service teacher as of the cut-off date. The impugned notification dated 17.06.2025, read as under:

*“GOVERNMENT OF ASSAM
DIRECTORATE OF ELEMENTARY EDUCATION, ASSAM
KAHILIPARA, GUWAHATI-19
Website: <https://dee.assam.gov.in>*

No. EAA/SIU/36/2025/3 Dated Kahilipara, the 17th June, 2025

NOTIFICATION

In view of the Judgement of Hon'ble Supreme Court of India, passed on dtd 10-12-2024 in Review Petition of 2024 in Civil Appeal No. 7872/2023 in the case of Viswanath and others-Vs-State of Uttarakhand, the applicants who have

successfully submitted their online applications with 10 Months D.El.Ed. from NIOS against the Advertisement dtd. 26-12-2023 are hereby asked to attend the 2nd Phase of Physical Document Verification in due course of time when notified with the following documents in originals and one photocopy set of all documents for the proof of IN SERVICE TEACHER as on 10-08-2017.

LIST OF TESTIMONIALS/DOCUMENTS:

1. Paper related to proof of "IN SERVICE" as on 10.08.2017 viz-

a) Appointment Letter & Accepted Joining Report of the applicant

b) Minutes of the School Managing Committee (SMC) of the school in respect of appointment of the applicant concerned

c) Photocopy of the Attendance Register of the school during the Service period of the applicant duly countersigned by the Head of the Institutions.

d) Certificate issued by the school authority, specifying the service of the applicant in the school as on 10.08.2017.

e) Salary Statements stating the Pay Band, Basic Pay, DA and other allowances of the applicant for the entire service period.

f) UDISE records as a proof that the applicant was in service as on 10/08/2017.

2. Admission Records / Admission Slip of D.El.Ed course through NIOS.

3. 18 Months D.El.Ed. Certificates and Mark Sheet through NIOS of the applicant (**completed before 01.04.2019**).

**Director,
Elementary Education, Assam
Kahilipara, Guwahati-19**

19] The short question that falls for determination in the instant writ petition is whether the respondent authorities, by seeking the specified documents for verifying whether the applicants were in-service as of the cut-off date, have

changed the eligibility criteria prescribed in the original advertisement in question.

20] It appears that the writ petitioners have claimed to have availed of the opportunity to complete their 18-month Diploma in Elementary Education from NIOS in terms of the recognition order dated 29.09.2017, wherein the duration of the 2-year diploma was reduced to 18 months. It further appears that the writ petitioners have accordingly applied in the subject recruitment process by enclosing their respective 18-month Diploma in Elementary Education Certificate obtained from NIOS to be treated as diploma holders for the purposes of the eligibility criteria.

21] It is not in dispute that the requirement of the in-service cut-off date originated from the Amendment Act, 2017, which came into force on the cut-off date, whereby relaxation was granted to acquire the minimum eligibility qualification of a 2-year diploma within 4 years from the said fixed cut-off date, and subsequently, the NCTE, by the recognition order dated 22.09.2017, granted recognition to NIOS for conducting the diploma in the elementary education program by reducing/relaxing the duration from 2 years to 18 months for in-service untrained teachers at the elementary level working in the schools. The Apex Court in **Viswanath and Ors. (supra)** [Review Petition (C) No. Diary No. 4961/2024], while considering the recognition order, clarified that only those candidates who were in-service as of the cut-off date would be entitled to be treated as diploma holders for the purposes of the recruitment process . The said

clarification of the Apex Court in the aforesaid review judgment was further clarified by the Apex Court as stated above in the case of **Viswanath (Supra)** [IA No. 37419 of 2025 in T.P.(C) Nos. 42-43 of 2025] and **Kousik Das & Ors. (supra)**. It is established from the aforesaid clarifications of the Apex court that the Apex Court has clearly indicated that in order to be considered as valid diploma holders for the recruitment in question, the candidate must, on verification, be found to have been in employment as of the cut-off date, and have completed the 18-month Diploma in Elementary Education (ODL) program from NIOS before 01.04.2019.

22] It is thus clear that the Apex Court in the aforesaid judgment in the review petition and connected cases categorically emphasized that the in-service status of applicants as of the cut-off date must be duly verified before treating them as valid diploma holders under the advertisement. Verification of service status is therefore not an optional formality but a mandatory step flowing directly from the Apex Court's aforesaid directions passed in **Viswanath & Ors., (Supra)** [Review Petition (C) No. Diary No. 4961/2024], **Viswanath & Ors., (Supra)** [IA No. 37419 of 2025 in T.P.(C) Nos. 42-43 of 2025], and **Kousik Das & Ors. (supra)**.

23] In order to give effect to the said clarifications issued by the Apex Court, the state respondent issued the impugned notification dated 17.06.2025 calling upon candidates to furnish documents evidencing their in-service status as of the

stipulated cut-off date. The writ petitioners' contention that the impugned notification imposes an additional condition not contemplated either in the recruitment rules or in the original advertisement dated 26.12.2023 are totally fallacious and cannot be accepted inasmuch as it is established that in view of the said Apex Court's clarifications, the impugned notification has been issued to undertake the verification of verifying whether the applicant was in-service as on the cut-off date and whether has completed the 18 months stipulated Diploma in Elementary Education as directed by the Apex Court in **Viswanath & Ors. (supra)** [Review Petition (C) No. Diary No. 4961/2024], **Viswanath & Ors. (supra)** [IA No. 37419 of 2025 in T.P.(C) Nos. 42-43 of 2025] and **Kousik Das & Ors. (supra)**. The impugned notification does not create a new criterion but merely provides the mechanism for verifying whether the candidates satisfy the conditions laid down by the Apex Court in **Viswanath & Ors. (supra)** [Review Petition (C) No. Diary No. 4961/2024], **Viswanath & Ors. (supra)** [IA No. 37419 of 2025 in T.P.(C) Nos. 42-43 of 2025] and **Kousik Das & Ors. (supra)**.

24] It is worthwhile that a large number of writ petitioners have joined this writ petition; however, there are no specific averments explaining how each of them has been individually affected. Though it is argued by the learned counsel that the writ petitioners are from private schools, paragraph 2 of the writ petition itself discloses that they belong to private, government-aided, and unaided schools.

25] Apt at this stage to refer to the relevant paragraphs of the writ petition which read as under:

“10. That the Petitioners respectfully submit that the insistence on production of UDISE records as proof of having been in service as on 10.08.2017 is wholly arbitrary, impractical, and unfair, especially for those working in private, government-aided, and unaided schools. Many of the Petitioners were employed in small or rural private schools which, at the relevant time, were either not covered under UDISE, or lacked the administrative infrastructure to maintain or report data under the UDISE framework. It is pertinent to note that UDISE is a school-level data reporting system managed annually by the head of the institution, and does not maintain individualized, certified service records for teachers. The Petitioners, as private employees, had no control over the school's UDISE submissions and cannot be faulted for any institutional failure to report or maintain UDISE records. Moreover, in many cases, such records simply did not exist in 2017. The imposition of such a requirement, therefore, disproportionately prejudices the Petitioners despite their otherwise valid eligibility, and imposes an onerous and illogical burden that has no basis in the directions issued by the Hon'ble Gauhati High Court in WP(C)/1951/2025 and batch matters.

11. The Petitioners further submit that the demand for salary statements indicating pay band, basic pay, DA and other allowances is equally irrational and discriminatory. Many Petitioners were engaged as contractual or part-time teachers in institutions that either did not issue salary slips or paid consolidated amounts without detailed breakups. In several private schools, honorarium payments were made informally in cash, without formal payroll systems. Expecting salary statements akin to government institutions from such private setups is unrealistic and mechanically ignores the practical realities of teaching service in Assam, especially in remote or rural areas. The Petitioners reiterate that their experience certificates duly issued by the school authorities

remain the most reliable and accessible form of proof of service and should not be disregarded merely for lack of formalized salary records.

12. The Petitioners submit that these requirements introduce uncertainty, are wholly disproportionate, and amount to an artificial and mechanical barrier to rightful selection. Such conditions were neither communicated at the stage of application nor contemplated in any prior recruitment notice. Consequently, the imposition of these conditions violates the Petitioners' right to fair consideration under Articles 14 and 16 of the Constitution of India, and is liable to be struck down as being ultra vires, arbitrary, and legally unsustainable.”

26] Reading the writ petition, especially the aforesaid paragraphs, it is abundantly clear that no specific particulars in respect of the writ petitioners have been averred in the writ petition.

27] Be that as it may, on due consideration, it is clear that the impugned notification dated 17.06.2025 does not create a new condition of eligibility but only prescribes a mechanism for verifying whether candidates fulfill the relaxation condition fixed by the NCTE, read with the RTE Amendment Act, 2017, & recognition/relaxation order dated 22.09.2017 issued by the NCTE, pursuant to the directions of the Apex Court in **Viswanath & Ors. (supra)** [Review Petition (C) No. Diary No. 4961/2024], **Viswanath & Ors, (supra)** [IA No. 37419 of 2025 in T.P.(C) Nos. 42-43 of 2025], and **Kousik Das & Ors., (supra)**.

28] That apart, a perusal of the specified documents as called for in the verification of the in-service cut-off date status in the impugned notification makes it amply clear that

the same are elementary service documents that are essential in support of proof of a valid appointment. The inability or unwillingness of the writ petitioners to produce such elementary service documents cannot justify invalidating the impugned notification. On the contrary, it highlights the necessity of such verification to ensure that only eligible candidates benefit from the relaxation. The insistence of the respondents on the production of the specified documents is thus not an additional or extraneous requirement as contended by the writ petitioners but a logical and inevitable step flowing from the statutory scheme. I am thus of the unhesitant view that the aforesaid documents asked in the second phase of physical verification from the candidates seeking their 18-month diploma to be treated as a valid diploma under the recruitment in question are totally in accordance with the judgments passed by the Apex Court in the cases of **Viswanath & Ors. (supra)** [Review Petition (C) No. Diary No. 4961/2024], **Viswanath & Ors. (supra)** [IA No. 37419 of 2025 in T.P.(C) Nos. 42-43 of 2025] and **Kousik Das & Ors. (supra)**.

29] The argument of Mr. M. Karla, learned counsel, appearing for the writ petitioners, that such documents have not been called by other states cannot be accepted inasmuch as the Apex Court has clearly given the discretion to the State Government to lay down the mechanism for verification of the in-service status of such 18-month diploma holders as on the cut-off date to the State concerned. The State respondents, having issued the impugned notification dated 17.06.2025

calling for physical verification of the specified documents in order to verify the in-service cut-off date status, thus cannot be faulted. That apart, the further contention of the writ petitioners to the effect that the documents called for having already been verified by the respondent while allowing the writ petitioners to participate in the 18-month diploma program under ODL mode from NIOS, re-verification of the same is unjustified, cannot also be accepted. It is worthwhile to note that while entering the name of the individual in-service untrained teacher for the purpose of training in the online registration system, no detailed verification as regards the in-service status of the untrained teachers appears to have been done by the State respondents. Be that as it may, it is the prerogative of the State respondent to verify the in-service status of the applicants as of the cut-off date in such manner as required in order to treat them as valid diploma holders in the recruitment process.

30] Apt at this juncture to refer to the relevant paragraphs of the affidavit-in-opposition filed by the respondent No. 2 (Director of Elementary Education, Assam) on 12.08.2025, which reads as under:

“5. That before replying to the contentions on merits, the answering respondent raises a preliminary objection to the maintainability of the instant writ petition, as it is based merely on an apprehension and is, therefore, premature. In this regard, it is stated that in compliance with the Hon'ble Supreme Court's Order dated 10.12.2024 in Review Petition No. Diary No(s). 4961/2024, the Director of Elementary Education, Assam, issued the impugned notification dated 17.06.2025 directing candidates to submit

documents in support of their claim of being in service as on 10.08.2017. The petitioners have approached this Hon'ble Court solely on the presumption that their candidature might be rejected after verification. However, the verification process for candidates with the 18-month D.El.Ed. who claim to be in service as on 10.08.2017 is still going on, and no conclusion has yet been reached. In the absence of any final decision adversely affecting the petitioners, the grievance is speculative, rendering the writ petition not maintainable. On this ground alone, the petition is liable to be dismissed.

6. That, for the purpose of such verification, the answering respondent vide letter dated 14.07.2025 requested the Government in the Education Department to constitute a verification committee. Accordingly, vide letter dated 22.07.2025, a four-member committee was constituted to verify the credentials of in-service candidates possessing the 18-month D.El.Ed.

7. That the answering respondent humbly begs to state that as per the NCTE norms, the minimum qualifications for appointment of teachers for Class I to VIII is a 2 years Diploma in Elementary Education. However, such 2 years Diploma in Elementary Education was relaxed by the NCTE vide order dated 22.09.2017 in respect of in-service Untrained Teachers at elementary level working in Government, Government aided and Unaided Private Schools appointed on or before 10.08.2017 by reducing the period from 2 years to 18 months and such course to be conducted by NIOS through ODL mode through the SWAYAM portal of the MHRD. There is no dispute that for fresh appointment of teachers for Primary and Upper Primary level, NCTE notifications dated 23.08.2010 and 29.07.2011 need to be strictly adhered to. The entire scheme of relaxation of allowing 18 months D.El.Ed. was for the purpose of providing a window to the in-service teachers inasmuch as unless they would have acquired requisite qualification prior to 01.04.2019, they would not have continued to remain in service and would have faced dismissal from service. As such, the Hon'ble Supreme Court has clarified that such

teachers who were in employment as on 10.08.2017 and who completed the 18 months D.El.Ed. (ODL) program through NIOS before 01.04.2019 shall be considered as valid diploma holders for the purpose of applying in other institutions and/or for promotional avenues. The Hon'ble Supreme Court has further granted liberty to the employer to verify the in-service status of such candidates.

8. That the answering respondent humbly begs to state that there must necessarily be a reasonable and transparent mechanism to ascertain Candidates were in service as on 10.08.2017 at the time whether they enrolled for and completed the 18-month D.El.Ed. course. Employer has the discretion to find out whether the candidates have fulfilled the relaxation granted by the NCTE and have they fulfilled the observation made by the Hon'ble Supreme Court in the case of Jaiveer Singh & Ors. Vs. State of Uttarakhand and subsequent review order passed by the Hon'ble Supreme Court in the case of Viswanath & Ors. Vs. State of Uttarakhand & Ors. The petitioners' reluctance to furnish service particulars creates doubts regarding their eligibility and runs contrary to the spirit of the verification exercise. It is inexplicable as to why the petitioners are reluctant to furnish their service particulars, which are essential for ascertaining whether they were in-service candidates as on 10.08.2017 and had duly completed the 18-month D.El.Ed. course, so as to legitimately claim the benefit of the relaxation granted by the NCTE.

9. That the answering respondent humbly begs to state that the Directorate has published a Notice vide No. EAA/SIU/36/2025/3, dated 17.06.2025 asking for documents in support of the fact that the candidates were in-service as on 10.08.2017. In the said Notice dated 17.06.2025 the following documents were asked to produce as proof of in service as on 10.08.2017

A. Appointment Letter & Accepted Joining Report of the applicant.

B. Minutes of the School Managing Committee (SMC) of the school in respect of appointment of the applicant concerned.

C. Photocopy of the Attendance Register of the school during the Service period of the applicant duly countersigned by the Head of the Institutions.

D. Certificate issued by the school authority, specifying the service of the applicant in the school as on 10.08.2017.

E. Salary Statements stating the Pay Band, Basic Pay, DA and other allowances of the applicant for the entire service period.

F. UDISE records as a proof that the applicant was in service as on 10.08.2017.

It is stated that the above noted documents asked for, are not extraneous, excessive and disproportionate as claimed by the petitioners. The Hon'ble Supreme Court as well as this Hon'ble Court categorically held that 18 months D.El.Ed. obtained through NIOS by the candidates who were in service as on 10.08.2017 will only be treated as valid. However, the Hon'ble Courts nowhere in the judgments held that all the petitioners/candidates who obtained 18 months D.El.Ed. through NIOS were in service) In view of the same, it is pertinent upon the authority to at least verify the documents of the petitioners/candidates, who claimed to have 18 months D.El.Ed. obtained through NIOS, and to ascertain whether they were in service or not as on 10.08.2017. Moreover, the documents asked for in the Notice dated 17.06.2025 are very basic only and rudimentary for a person to submit who is in service.

10. That the answering respondent humbly submits that the petitioners' plea, if accepted, would nullify the employer's statutory and judicially recognised discretion to verify the service status of candidates, thereby defeating the 'very object of the NCTE's conditional relaxation. The documents sought are standard employment records ordinarily maintained by any genuine in-service teacher and failure to produce them raises serious doubts about the authenticity of the petitioners' claims. The verification exercise is an essential administrative process aimed at ensuring fairness and preventing fraudulent claims, particularly in view of reported instances across the country where NIOS D.El.Ed. certificates were

misused by persons not in service as on the cut-off date. The steps taken by the respondent to verify in-service 'status are neither arbitrary, illegal, nor discriminatory. Accordingly, the writ petition is premature, devoid of merit, and liable to be dismissed in limine."

31] Reading the aforesaid defense of the State respondent, it is apparent that the State respondent No. 2 issued the impugned notification dated 17.06.2025 in compliance with the Apex Court's judgment in **Viswanath & Ors. (Supra)** [Review Petition (C) No. Diary No. 4961/2024], in order to verify the documents of the candidates in support of their claim of being in-service as of 10.08.2017. That apart, it is clear from the aforesaid averments extracted hereinabove that there being reported instances as regards misuse of the Diploma in Elementary Education Certificate from NIOS by persons not in-service as of the cut-off date, the respondent State has issued the impugned notification for verifying the in-service cut-off date status of the applicants producing the Diploma in Elementary Education Certificate from NIOS under the said recruitment process. I thus have no doubt in concluding that such a verification exercise is wholly fair and transparent.

32] In writ jurisdiction, this Court cannot dilute or modify the binding directions of the Apex Court. The respondents are duty bound to enforce the cut-off date and the verification process as mandated by the Apex Court in **Viswanath & Ors. (supra)** [Review Petition (C) No. Diary No. 4961/2024], **Viswanath & Ors. (supra)** [IA No. 37419 of 2025 in T.P.(C) Nos. 42-43 of 2025], and **Kousik Das**

& Ors., (supra). Accepting the writ petitioners' contention would virtually negate the mandate of the Apex Court, which is impermissible.

33] Turning to the further plea of the writ petitioners that it was impossible to furnish the specified documents as schools had been closed during the COVID-19 pandemic, the same is untenable inasmuch as the pleadings themselves show that many petitioners continued in service, and some obtained experience certificates from their Principals in 2021 and thereafter, hence establishing that institutions were functioning and records available.

34] As regards the contention of the writ petitioners that UDISE registration was not mandatory in Assam, and hence not available in all schools, the same is factually incorrect. Under Section 2 (i) of the Assam Education (Provincialisation of Service of Teachers and Reorganization of Educational Institutions) Act, 2017 (hereinafter referred to as the "Assam Education Act, 2017"), the District Information System for Education (hereinafter referred to as "DISE") code is defined as the unique code allotted to each venture educational institution. Undoubtedly, venture school includes a private or independent educational institution in Assam that has not yet been integrated into the government's system (provincialized) but may become eligible for such integration under specific legislation. Further, Section 2(z)(a) of the said Assam Education Act, 2017, also provides venture M.E. schools to have a DISE code from the year 2009-2010. It is pertinent that at the national level, the Ministry of Human Resource

Development (MHRD) issued a notification dated 18.09.2012 prescribing a uniform procedure for implementation of UDISE to merge data collection of elementary and secondary schools. During the course of arguments, Mr. D. Saikia, learned Advocate General, Assam, upon a pointed query being raised as to whether UDISE was mandatory in the State of Assam at the relevant point of time for the elementary schools, placed a Central Government notification dated 18.09.2012 requiring the State to undertake steps for implementation of UDISE in elementary and secondary schools and a letter dated 26.09.2012, issued by Axom Sarba Siksha Abhiyan, wherein detailed guidelines for statewide implementation of UDISE were given. From perusal of the aforesaid documents, it is clearly established that UDISE was mandatory in Assam at the relevant time. A copy of the said notification dated 18.09.2012 and the letter dated 26.09.2012 are kept on record and marked as "X" & "Y".

35] Apparent thus, that the State had, much prior to the cut-off date, made UDISE registration compulsory for all elementary and secondary schools in Assam. UDISE was conceived as a uniform database to regulate schools and teachers. In fact, several of the certificates produced by the writ petitioners themselves contain UDISE codes, showing compliance.

36] The importance of UDISE registration cannot be overstated. It is a statutory and regulatory mechanism to ensure that only duly recognized schools operate and to prevent false claims of service. Without UDISE data,

verification of service would be impractical and unreliable. Thus, the insistence on UDISE details in the verification process is not only lawful but also indispensable.

37] That apart, the contention of the writ petitioners that they cannot produce appointment orders, salary proofs, or School Management Committee approvals is equally unacceptable. These are fundamental documents any regularly appointed teacher should possess. Pertinent that the School Managing Committee first found a place in the Assam Elementary Education Provincialisation Rules, 1977, as a mechanism for involving local stakeholders in school governance. Later, the Regulation & Management Act, 2006, under Section 12, provided for the constitution of School Managing Committees in private, government-aided, and unaided schools. The School Managing Committee consists of parents, teachers, and local authority representatives. Thus, it is compulsory for every private, government-aided, and unaided school to constitute a School Managing Committee. A validly recognized institution is therefore bound to maintain records through its managing committee, and production of such records for verification is a natural obligation. It is also pertinent that Section 21 of the RTE Act, 2009, mandates every school to constitute a School Managing Committee. The role of the School Managing Committee is to prepare school development plans, monitor attendance of teachers, oversee utilization of grants, and encourage community participation in the functioning of schools. The State has thus, since 1997, introduced a mechanism for involving local stakeholders in

school governance by way of the School Managing Committee and later on enacted the said legislation of the Regulation & Management Act, 2006, mandating School Management Committees for recognized schools, making the plea of their absence baseless.

38] From the above statutory framework, it is evident that no school in the State of Assam imparting elementary education, whether private, government-aided, or unaided as applicable in the context of the aforementioned statutes, regulations, and guidelines, could have functioned lawfully without the constitution of a School Management Committee and possession of a UDISE/DISE code.

39] In any view of the matter, it is well settled proposition of law that in administrative matters relating to recruitment and eligibility, the scope of interference by this Court under Article 226 of the Constitution of India is limited. The writ court does not sit in appeal over the wisdom of the executive in prescribing procedures for verification of eligibility. Unless the action complained of is shown to be arbitrary, unfair, or unjust so as to offend Article 14 of the Constitution of India, no interference is warranted. In the present case, the requirement to furnish documents for verifying in-service status as of the cut-off date is neither arbitrary nor unfair but is a reasonable measure directly flowing from the directions of the Apex Court and the governing statutory provisions.

40] In view of the foregoing discussion, I am of the unhesitant view that the requirement to furnish UDISE registration and other service documents as called for by the Director of Elementary Education, Assam, by the impugned notification dated 17.06.2025 is not an additional eligibility criterion but a necessary verification mechanism to implement the NCTE's recognition order dated 22.09.2017 as clarified by the Apex Court in **Viswanath & Ors. (supra)** [Review Petition (C) No. Diary No. 4961/2024] to hold the 18-month Diploma in Elementary Education Certificate under ODL mode from the NIOS as a valid diploma under the subject recruitment process.

41] Accordingly, the instant writ petition is found bereft of any merit whatsoever. Hence, the writ petition stands dismissed.

42] Before parting, this court cannot overlook the manner in which the present writ petition has been filed. A large number of candidates have approached this court jointly but without disclosing individual particulars as to how each of them has been affected. The petition not only lacks individual averments but also contains contradictory projections; for instance, while arguments were categorically advanced before this court that all petitioners hail from private schools, the pleadings themselves reveal that they belong to private, aided, and unaided institutions. To the utter shock and surprise of this court, upon examining the certificates enclosed in proof of in-service status of the writ petitioners as Annexure-2 to the writ petition in support of the statements

made in paragraph 5, it came to the notice of this court that at page 68 of the writ petition, one of the experience certificates enclosed therein was issued to one Mr. Dilip Bhandari by the Principal of Kristo Jyoti High School on 23.06.2025, though enclosed therein stating under oath to be in-service proof of one of the writ petitioners; however, upon careful perusal of the cause-title, no Dilip Bhandari is arrayed in the instant writ petition as a petitioner. It is worthwhile to note that the said experience certificate issued by the Principal of a private school also contains UDISE Registration as "18180506707." Be that as it may, on the basis of such vague pleadings, the result of the verification process was kept in abeyance owing to the interim order granted by this court, which remained operative until 09.09.2025, when the same was not extended. It is worthwhile to mention herein that during the course of the hearing, Mr. D. Saikia, learned Advocate General, Assam, has apprised this court that out of the total 7852 applications received from candidates availing their 18-month diploma from NIOS as a diploma under the subject advertisement, a total number of 1715 candidates were shortlisted for physical document verification, out of which a total number of 1405 candidates appeared physically with documents, and upon verification of the same, a total number of 384 candidates fulfilled the criteria. Thereafter, in the first provisional merit list, a total number of 247 candidates were selected as eligible as per district-wise cut-off marks. Hence, such casual invocation of the writ jurisdiction resulting in disruption of a large-scale public recruitment cannot be countenanced. Accordingly, this court deems it

appropriate to impose a cost of Rs. 10,000/- upon the writ petitioners to be deposited with the Assam State Legal Services Authority within a period of 4 (four) weeks from today.

JUDGE

Comparing Assistant