

GAHC010146912022



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

Case No. : WP(C)/4854/2022

NETTYANAND GOGAI AND 4 ORS.

S/O- ROCHING KUMAR GOGAI, A RESIDENT OF VILL. JOYTINAGAR, P.O.-
ARADHAI, P.S.- DHEMAJI, DIST.- DHEMAJI, ASSAM.

2: SURAJ CHUTIA

S/O- LATE POWARAM CHUTIA
A RESIDENT OF VILL.- GELUWA
P.O.- KULAJAN
P.S. SILAPATHAR
DIST- DHEMAJI
ASSAM.

3: MONUJ SONWAL

S/O- PUNARAM SONWAL
A RESIDENT OF VILL. NO. 2 SILAGAON
P.O. SILBALI
P.S. SILAPATHAR
DIST- DHEMAJI
ASSAM.

4: JYOTI PRASAD GOGOI

S/O- BUDHERWAR GOGOI
A RESIDENT OF VILL.- SILAPATHAR BAMUNGAON
P.O. AND P.S. SILAPATHAR
DIST- DHEMAJI
ASSAM.

5: NIREN BORI

S/O- LATE BRAHMANANDA BORI
A RESIDENT OF VILL.- KANGKAN NAGAR
P.O. AND P.S. SILAPATHAR
DIST- DHEMAJI
ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS.
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, EDUCATION ELEMENTARY DEPARTMENT,
DISPUR, GUWAHATI-6.

2:THE SARBA SIKSHA ABHIJAN
ASSAM
TO BE REPRESENTED BY THE MISSION DIRECTOR
KAHILIPARA
GUWAHATI-19.

3:THE DIRECTOR
ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19.

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
DHEMAJI
DIST.- DHEMAJI
ASSAM.

5:THE DISTRICT LEVEL SCRUTINY COMMITTEE FOR ELEMENTARY
EDUCATION
DHEMAJI
DIST.- DHEMAJI
ASSAM. TO BE REPRESENTED BY ITS CHAIRMAN-CUM- DEPUTY
COMMISSIONER
DHEMAJI
DIST.- DHEMAJI
ASSAM.

6:THE STATE LEVEL SCRUTINY COMMITTEE
ASSAM
TO BE REPRESENTED BY ITS CHAIRMAN-CUM-THE DIRECTOR
ELEMENTARY EDUCATION
ASSAM
KAHILIPARA-19

Advocate for the Petitioner : MR. A R BHUYAN

Advocate for the Respondent : SC, ELEM. EDU

Linked Case : WP(C)/6548/2019

NANDAGRAM PALOIPUNJI M.E. MADRASSA AND 8 ORS.
REP. BY ITS HEAD MASTER-CUM-SECRETARY
FAKRUL ISLAM LASKAR
AGE 38 YEARS
S/O- MOIN UDDIN LASKAR
VILLAGE- RATANPUR PART-II
P.O. RATANPUR
PIN- 788155
DIST. HAILAKANDI
ASSAM.

2: HOLOCHANDRA MEMORIAL TRIBAL M.E. SCHOOL
REP. BY ITS HEAD MASTER-CUM-SECRETARY
AMINUL HAQUE BARBHUIYA
AGE 37 YEARS
S/O- HIBZUR RAHMAN
VILLAGE- RONGPUR PART-IV
P.O. SAHABAD
PIN- 788163
DIST.- HAILAKANDI
ASSAM.

3: INIDRA GANDHI M.E. SCHOOL
REP. BY ITS HEAD MASTER-CUM-SECRETARY KAMRUL ISLAM TAPADAR
AGE ABOUT 42 YEARS
S/O- LATE ABDUL ISLAM TAPADAR
VILL. BHABANIPUR
P.O. AMALA
PIN- 788164
DIST. HAILAKANDI
ASSAM.

4: WAR ALI CHOUDHURY MEMORIAL M.E. INSTITUTE
REP. BY ITS ASSISTANT TEACHER
AFJOL HUSSAIN LASKAR
AGED ABOUT 38 YEARS
S/O- ATAUR RAHMAN LASKAR
VILL. BROJAPUR PART-I
P.O. BROJAPUR
PIN- 788155
DIST.- HAILAKANDI
ASSAM.

5: MODERN M.E. MADRASSA

REP. BY ITS HEAD MISTRESS-CUM-SECRETARY
NAZMIN AKTAR LASKAR
AGE 35 YEARS
W/O- KAZI MD. NURUL ALOM
VILL- RONGPUR PART-VII
P.O. SAHABAD
PIN- 788163
DIST.- HAILAKANDI
ASSAM.

6: HAJI HARUN RASHID M.E. SCHOOL
REP. BY ITS HEAD MASTER-CUM-SECRETARY
HAYADAR HUSSAIN BARBHUIYA
AGED ABOUT 45 YEARS
S/O LATE MAFUR ALI BARBHUIYA
VILLAGE- KATAKHAL
P.O. KALINAGAR
PIN- 788152
DIST. HAILAKANDI
ASSAM.

7: MORAGANGARPAR M.E. MADRASSA
REP. BY ITS HEAD MASTER-CUM-SECRETARY
MOSOROF ALI LASKAR
AGE 55 YEARS
S/O- ABDUL BARI LASKAR
VILLAGE AND P.O.- NITAINAGAR PART-II
PIN- 788155
DIST.- HAILAKANDI
ASSAM.

8: SHOKALAPAR M.E. MADRASSA
REP. BY ITS HEAD MASTER-CUM-SECRETARY
NURUL ISLAM LASKAR
AGED ABOUT 48 YEARS
S/O- RAFIQUE AHMED LASKAR
VILLAGE- MOHAMMADPUR PART-I
P.O. RONGPUR SOUTH
PIN- 788163
DIST. HAILAKANDI
ASSAM.

9: M.S.U. M.E. MADRASSA
REP. BY ITS HEAD MISTRESS-CUM-SECRETARY
MOMOTA BEGUM LASKAR
AGED ABOUT 30 YEARS
W/O- SOIDUR RAHMAN LASKAR
VILLAGE- RAJYESWARPUR PART-VII

P.O. KATAGAON
PIN- 788168
DIST. HAILAKANDI
ASSAM.
VERSUS

THE STATE OF ASSAM AND 4 ORS.
TO BE REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF
ASSAM
EDUCATION (ELE.) DEPTT.
DISPUR
GUWAHATI-6.

2:THE MISSION DIRECTOR
AXOM SARBA SIKSHA ABHIJAN MISSION
KAHILIPARA
GUWAHATI-19.

3:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19.

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
HAILAKANDI
P.O. AND DIST- HAILAKANDI
ASSAM
PIN- 788151.

5:THE SECRETARY
LEGISLATIVE ASSEMBLY DEPTT.
DISPUR
GUWAHATI-6.

Advocate for : G UDDIN
Advocate for : SC
ELEM. EDU appearing for THE STATE OF ASSAM AND 4 ORS.

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 21-06-2024
(Suman Shyam, J)

Mr. A.R. Bhuyan, learned counsel appearing for the writ petitioners submits that the petitioners are aggrieved due to the fact that despite being eligible their names were not

included in the DISE code prior to the cut-off date inserted under Section 2(za) of the Assam Education (Provincialisation of Services of Teachers and Re-organisation of Educational Institutions) Act, 2017 as a result of which, their services could not be provincialised.

After hearing the preliminary arguments of the petitioners' counsel, this Court is of the opinion that the petitioners are primarily aggrieved due to the arbitrary inaction on the part of the respondents in their failure to include the names of the petitioners in the DISE code prior to 2009 and not so much by the insertion of Clause 2(za).

In view of the above and on the request of Mr. Bhuyan, this writ petition be segregated from the bunch of other writ petitions and listed separately, as per roster, after the summer vacation.

JUDGE

JUDGE

GS

Comparing Assistant