

GAHC010147422024



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

Case No. : WP(C)/3711/2024

PARTHA PRATIM GOSWAMI
S/O- ROHIT CHANDRA GOSWAMI, R/O- KUMARANICHIGA CHETIA CHUK,
P.O. RAJABHETA, P.S. BORBORUAH, DISTRICT- DIBRUGARH, ASSAM, PIN-
786008

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, EDUCATION (SECONDARY) DEPARTMENT,
DISPUR, GUWAHATI- 781006

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 781019

3:THE INSPECTOR OF SCHOOLS
DIBRUGARH DISTRICT CIRCLE
DIBRUGARH
P.O. AND P.S. DIBRUGARH
DISTRICT- DIBRUGARH
ASSAM- 786001

4:GOVERNMENT GIRLS H.S. AND M.P. SCHOOL
REPRESENTED BY THE PRESIDENT
SCHOOL MANAGEMENT COMMITTEE OF GOVERNMENT GIRLS H.S. AND
M.P. SCHOOL
AMOLAPATTY
DIBRUGARH
P.O. AND P.S. DIBRUGARH
DISTRICT- DIBRUGARH

ASSAM- 786001

5:SHRI PRABHAT DEORI
S/O- (NOT KNOWN TO THE PETITIONER)
R/O- HOSTEL SUPERS QUARTER
GOVERNMENT GIRLS H.S. AND M.P. SCHOOL
AMOLAPATTY
DIBRUGARH
P.O. AND P.S. DIBRUGARH
DISTRICT- DIBRUGARH
ASSAM- 78600

Advocate for the Petitioner : MR. P D NAIR, MR. H ROHMAN,MR S R A NASER,MR G ALAM

Advocate for the Respondent : SC, SEC. EDU., J NABI (R-4),MR. T A CHOUDHURY(R-4),MR. B PHUKAN (R-5)

BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR

ORDER

30.01.2026

Heard Mr. G. Alam, learned counsel appearing for the petitioner and Ms. D. Muchahary, learned Standing Counsel for the respondents in Secondary Education Department. Also heard Mr. J. Nabi, learned counsel for the respondent No. 4.

Mr. Nabi, learned counsel for the respondent No. 4 submits that the respondent No. 4 has already resigned from the post of the President, School Management Committee of Government Girls' H.S. & M.P. School, Amolapatty, Dibrugarh.

Notice in this writ petition had already been issued on 26.07.2024, whereby, the appointment of the respondent No. 5 as the In-charge Principal of the Government Girls' H.S. & M.P. School, Amolapatty, Dibrugarh, was being subject to the outcome of this writ petition.

The respondent No. 5 has appeared in the matter and has filed an affidavit, in which, he had stated that his name finds mention at Serial No. 60 of the 'Draft Gradation list', prepared on 08.01.2024. The said respondent, however, has not disputed the claim that he was transferred on his own request and therefore, would be placed at the bottom of the Seniority list.

The ground taken by the respondent No. 5 is that he is a post-graduate teacher and the petitioner, being a graduate teacher, would lie junior to him.

It is unfortunate that the Secondary Education Department has not furnished instructions to the Standing Counsel in a matter, where the holding of the charge of the post of Principal of a Higher Secondary School is in issue.

List this matter again on **16.02.2026**.

It is noticed that the petitioner is a graduate teacher having the qualifications required for holding the post of Headmaster in the school, while the respondent No. 5 is a post-graduate teacher, who has been transferred to that particular school on his own request.

It is made clear that the matter will be taken up for disposal, even in the absence of a response from the Secondary Education Department. However, in absence of any response on behalf of the Secondary Education Department on the next date, it may also require this Court to pass necessary orders on the issue.

List accordingly.

JUDGE

Comparing Assistant