

GAHC010181392021



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

Case No. : WP(C)/5827/2021

CHANDRA PRABHA BORA
W/O- NIRAN BORA, VILL- TERABHARI, P.O. BANGALCHUK, P.S. NORTH
LAKHIMPUR, DIST.- NORTH LAKHIMPUR, PIN- 787052, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, EDUCATION
(ELEMENTARY) DEPTT., DISPUR, GHY-06

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GHY-19

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER (DEEO)
DIST.- NORTH LAKHIMPUR
DIST.- PIN- 787050

4:THE BLOCK ELEMENTARY EDUCATION OFFICER
LAKHIMPUR
DISTRICT
PIN- 787051
ASSAM

5:THE BLOCK ELEMENTARY EDUCATION OFFICER
NOWBOICHA
DIST.- NORTH LAKHIMPUR
PIN- 787052
ASSAM

6:DY. INSPECTOR OF SCHOOLS

NORTH LAKHIMPUR
ASSAM
PIN- 78705

Advocate for the Petitioner : MR. A DEKA,

Advocate for the Respondent : SC, ELEM. EDU,

Linked Case : WP(C)/5222/2021

JANMONI BORA AND ANR
W/O KUMUD SAIKIA
VILL-BAPAKHAT
P.O.-PHUKANARHAT
P.S.-PANIGAON
DIST-NORTH LAKHIMPUR
PIN-787052
ASSAM

2: ARUN HAZARIKA
S/O LATE BOPA RAM HAZARIKA
VILL-RATANPUR
P.O.-BOGINADI
P.S.-BOGINADI
DIST-NORTH LAKHIMPUR
PIN-787051
ASSAM
VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
EDUCATION (ELEMENTARY) DEPARTMENT
DISPUR
GUWAHATI-781006

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

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER (DEEO)
DISTRICT-NORTH LAKHIMPUR

DISTRICT.PIN-787050

4:THE BLOCK ELEMENTARY EDUCATION OFFICER
LAKHIMPUR
DIST. PIN-787051
ASSAM

5:THE BLOCK ELEMENTARY EDUCATION OFFICER
NOWBOICHA
DIST-NORTH LAKHIMPUR
PIN-787052
ASSAM

6:DEPUTY INSPECTOR OF SCHOOLS
NORTH LAKHIMPUR
ASSAM
PIN-787050

Advocate for : MR. A DEKA
Advocate for : SC
ELEM. EDU appearing for THE STATE OF ASSAM AND 5 ORS

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 17.02.2026

A prayer is made on behalf of Mr. A. Deka, learned counsel, appearing for the petitioner, for an adjournment in the matter on the ground that he is indisposed.

2. This Court has perused the materials brought on record and finds that the petitioner has raised a grievance with regard to non regularization of his services and/or appointment as Tutor w.e.f. 01.11.2020 in pursuance to the screening exercise carried out by the respondent authorities with regard to Teachers who have been suspected to have been appointed without following the procedure for such an appointment.

The petitioner is found to have been participated in the screening process, however in the list of the teachers that was published thereafter, the name of the petitioner not finding mention, he had instituted the present proceeding.

The Director of the Elementary Education Department, has filed an affidavit and therein, no reason have been assigned as to why the name of the petitioner was not included in the list of Teachers found suitable for regularization/accommodation as Tutor. In the said affidavit more particularly in Paragraph-7 thereof, the following contentions was made ;

“That as regards the statement made in paragraph 9 of

the writ petition the deponent begs to state that the petitioner was enlisted in the list of illegal/irregular teachers and noticed was issued to by the then District Elementary Education Officer, Lakhimpur to appear in the office of the Deputy commissioner, North Lakhimpur for verification of service related documents of illegal/irregular teacher in the year 2014 and 2017. The matter of illegal/irregular teachers has been handled centrally from the Department of School Education, Government of Assam and all the original documents related to this matter are available with the Government. The name of the petitioner was not figured in the list of illegal/ irregular teacher recommended by the Government for accommodation as Teacher and Tutor.”

3. A perusal of the contentions made in Paragraph-7 would go to reveal that after the screening exercise was carried out, the documents were forwarded to the Department of School Education, Government of Assam, for further necessary action.

In the event, the matter was being considered by the Government in the Department of School Education, Government of Assam, it is not understood as to why the Director had to file an affidavit in the matter, the affidavit ought to have been filed by the competent authority of the Department of School Education.

4. In view of the above, a prayer being made for an

adjournment of the matter on behalf of the learned counsel for the petitioner, this Court adjourns the matter for further 3 (three) weeks.

5. Before the next date of listing, the Secretary, Department of School Education, Government of Assam, shall invariably file an affidavit before this Court and therein, disclose the reason as to why the name of the petitioner was not included in the list of illegal/irregular Teachers recommended for accommodation as Teacher and/or Tutor.

6. Registry to list this matter again after **3 (three) weeks** on a date to be fixed by it.

JUDGE

Comparing Assistant