

GAHC010165062019



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

Case No. : WP(C) 4914/2019

1:ACHYUTA NANDA MEDHI AND 55 ORS.
C/O- CHANDRA KANTA MEDHI
VILL AND P.O- HALOGAON
P.S- SUALKUCHI
DIST- KAMRUP(R)
PIN NO- 781103
D.O.B.- 01/09/1976

2: BIPUL PATOWARY
C/O- JAGAT PATOWARY
VILL- ATHIABOI
P.O- PUB BORKHA
P.S- CHANGSARI
DIST- KAMRUP(R)
PIN NO- 781101
D.O.B.- 01/12/1985

3: DIPJYOTI NATH
C/O- LT. DHIRESWAR NATH
VILL AND P.O- CHANGSARI
P.S- CHANGSARI
DIST- KAMRUP(R)
PIN NO- 781101
D.O.B.- 01/06/1983

4: JYOTI PRASAD SARMA
C/O- KAMALA PRASAD SARMA
VILL AND P.O- GERUAH
P.S- HAJO
DIST- KAMRUP(R)
PIN NO- 781102

5: ABDUR RAHMAN
C/O- MD. MERAJ ALI

VILL -ATHARA
P.O- PUTHIMARI
P.S- RANGIA
DIST- KAMRUP(R)
PIN NO- 781380
D.O.B.- 31/03/1987

6: MITALI BAISHYA
C/O- NARAYAN BAISHYA
VILL - NASATRA
P.O.- LOCH
P.S- BAIHATA CHARIALI
DIST- KAMRUP(R)
PIN NO- 781381
D.O.B.- 31/03/1988

7: MOHAN CHANDRA NATH
C/O- LT. JATIL NATH
VILL AND P.O- CHANGSARI
P.S- CHANGSARI
DIST- KAMRUP(R)
PIN NO- 781101
D.O.B.- 15/07/1979

8: PHANI DHAR DAS
C/O- SHIVA RAM DAS
VILL AND P.O- GONDHMOW
P.S- SUALKUCHI
DIST- KAMRUP(R)
PIN NO- 781103
D.O.B.- 01/01/1978

9: SUBAL NATH
C/O- MUHIN CH.NATH
VILL AND P.O- CHANGSARI
P.S- CHANGSARI
DIST- KAMRUP(R)
PIN NO- 781101
D.O.B.- 02/03/1983

10: HIRA MONI KALITA NATH
C/O- NARESWAR DEKA
VILL AND P.O- CHANGSARI
P.S- CHANGSARI
DIST- KAMRUP(R)
PIN NO- 781101
D.O.B.- 01/01/1983

11: DHARMENDRA KUMAR NATH
C/O- LT. TARUN NATH
VILL AND P.O- CHANGSARI
P.S- CHANGSARI
DIST- KAMRUP(R)
PIN NO- 781101
D.O.B.- 01/03/1972

12: BUBUL ALI
C/O- LT. ALICHAND ALI
VILL- SILBHARAL
P.O- CHANGSARI
P.S- CHANGSARI
DIST- KAMRUP(R)
PIN NO- 781101
D.O.B.- 01/05/1980

13: KISHOR KALITA
C/O- LT. SONESWAR KALITA
VILL - ATHIABOI(SOUTH)
P.O- PUB BOOKA
P.S- CHANGSARI
DIST- KAMRUP(R)
PIN NO- 781101
D.O.B.- 16/06/1989

14: BHARAT DAS
C/O- LT. MAHARAM DAS
VILL- KSHUDRA PALAHA
P.O.- BAIHATA CHARİYALI
P.S- BAIHATA CHARİYALI
DIST- KAMRUP(R)
PIN NO- 781381
D.O.B.- 01/05/1979

15: NAYANJYOTI NATH
C/O- BHABI RAM NATH
VILL AND P.O- CHANGSARI
P.S- CHANGSARI
DIST- KAMRUP(R)
PIN NO- 781101
D.O.B.- 01/12/1986

16: NIBEDITA LAHKAR
C/O- LT. ARUN LAHKAR
VILL - DHOPATARI
P.O- CHANGSARI
P.S- CHANGSARI

DIST- KAMRUP(R)
PIN NO- 781101
D.O.B.- 25/01/1988

17: IMRAN HUSSAIN
C/O- EYAKEEB ALI
VILL - BATHAN
P.O.- DUMUNICHOWKI
P.S- BAIHATA CHARİYALI
DIST- KAMRUP(R)
PIN NO- 781121
D.O.B.- 01/03/1988

18: RANJIT DAS
C/O- LT. HARICHAN DAS
VILL - ATHIABOI
P.O- PUB-BORKA
P.S- CHANGSARI
DIST- KAMRUP(R)
PIN NO- 781101
D.O.B.- 01/04/1982

19: KAISHALLYA DAS
C/O- ANIL CH. MALAKAR
VILL- BARDADHI
P.O- GERUAH
P.S- HAJO
DIST- KAMRUP(R)
PIN NO- 781102
D.O.B.- 22/02/1975

20: BRAJEN DAS
C/O- RAMESH DAS
VILL AND P.O- BONGSHAR
P.S- SUALKUCHI
DIST- KAMRUP(R)
PIN NO- 781103

21: ARUP JYOTI DAS
C/O- LT. AMULYA DAS
VILL - SANPARA GRANT
P.O.- DAMPUR
P.S- HAJO
DIST- KAMRUP(R)
PIN NO- 781102
D.O.B.- 01/01/1982

22: BIPUL BAISHYA

C/O- MANIK BAISHYA
VILL - NIZ GONDHMOW
P.O- ROWMARI
P.S- SUALKUCHI
DIST- KAMRUP(R)
PIN NO- 781104
D.O.B.- 01/12/1984

23: APURBA DAS
C/O- DEBEN DAS
VILL - KEOTPARA
P.O- SUALKUCHI
DIST- KAMRUP(R)
PIN NO- 781103

24: BARNALI DAS
C/O- APURBA DAS
VILL - KEOTPARA
P.O- SUALKUCHI
DIST- KAMRUP(R)
PIN NO- 781103

25: JYOTISH BAISHYA
C/O- DHARMESWAR BAISHYA
VILL AND P.O- BONGSHAR
P.S- SUALKUCHI
DIST- KAMRUP(R)
PIN NO- 781103

26: DHAN MONI DAS
C/O- PARESH DAS
VILL - NORTH LENGA
P.O- BARBAKA
P.S- BAHATA CHARALI
DIST- KAMRUP(R)
PIN NO- 781030

27: INDRAJIT DUTTA
C/O- MADAN DUTTA
VILL AND P.O- BARUAJANI
P.S- KAMALPUR
DIST- KAMRUP(R)
PIN NO- 781380
D.O.B.- 03/01/1990

28: ABID HUSSAIN
C/O- MD. UMAR ALI
VILL - BAR RANGMAHAL

P.O- RANGMAHAL
P.S- CHANGSARI
DIST- KAMRUP(R)
PIN NO- 781030
D.O.B.- 28/02/1985

29: BHAGYASHREE DAS
C/O- AJIT DAS
P.O- NOONMATI
P.S- NOONMATI
DIST- KAMRUP(M)
PIN NO- 781020
D.O.B.- 24/07/1991

30: HIREN CHANDRA DEKA
C/O- KHAGEN DEKA
VILL AND P.O- KARARA
P.S- BAIHATA CHARIALI
DIST- KAMRUP(R)
PIN NO- 781381
D.O.B.- 01/10/1980

31: BIPUL CH. NATH
C/O- PRADIP NATH
VILL - NIZ SIPAJHAR
P.O. AND P.S.-SIPAJHAR
DIST-
PIN NO-
D.O.B.- 20/07/1975

32: ANANTA BORA
C/O- KRISHNA BORA
VILL - 2NO. KAKI NARAYNPUR
P.O./P.S.- THAISUPAR
DIST- KAMRUP(R)
PIN NO- 782446

33: RUBUL CH. BORA
C/O- LT. GUNAKANTA BORA
VILL - 3NO. KAKI 2 NO. GAON
P.O./P.S.- SANKARPUR
DIST- HOJAI
PIN NO- 782446
D.O.B.- 30/04/1971

34: RANJIT BHARALI
C/O- BIPIN BHARALI
VILL AND P.O- PACHARIA

P.S- HAJO
DIST- KAMRUP(R)
PIN NO- 781104
D.O.B.-

35: NARAYAN DEKA
C/O- MOHAN CH. DEKA
VILL AND P.O- PACHARIA
P.S.- HAJO
DIST- KAMRUP(R)
PIN NO- 781104
D.O.B.- 29/09/1989

36: MANOJ KUMAR KALITA
C/O- LT. SUREN KALITA
VILL - CHESHAMUKH
P.O./P.S.- KULHATI
DIST- KAMRUP(R)
PIN NO-
D.O.B.- 01/01/1986

37: NARJINA HASAAN
C/O- DARUL ISLAM
VILL AND P.O.- DAMPUR
P.S- HAJO
DIST- KAMRUP(R)
PIN NO- 781102
D.O.B.- 01/01/1993

38: SARIFUDDIN AHMED
C/O- HABIBAR RAHMAN
VILL AND P.O.- DAMPUR
P.S- HAJO
DIST- KAMRUP(R)
PIN NO- 781102
D.O.B.- 31/12/1988

39: ASHIF MAHAMMAD IKBAL
C/O- SAIDUR RAHMAN
VILL AND P.O.- JAPIA
DIST- KAMRUP(R)
PIN NO- 781382
D.O.B.- 01/03/1983

40: AFJAL ALI
C/O- AMJED ALI
VILL AND P.O- UJANKURI
P.S- HAJO

DIST- KAMRUP(R)
PIN NO- 781102
D.O.B.- 01/01/1993

41: RAFIUL HUSSAIN
C/O- MAKBAL HUSSAIN
VILL AND P.O.- DAMPUR
P.S- HAJO
DIST- KAMRUP(R)
PIN NO- 781102
D.O.B.- 31/10/1980

42: ANJU RAM DEKA
C/O- LT. TEPURAM DEKA
VILL AND P.O.- UJANKURI
DIST- KAMRUP(R)
PIN NO- 781102
D.O.B.- 01/02/1972

43: ASHIM SARMA
C/O- BIREN SARMA
VILL AND P.O- JAMTALA
P.S- RANGIA
DIST- KAMRUP(R)
PIN NO- 781354
D.O.B.- 20/11/1991

44: AMAR JYOTI MEDHI
C/O- JOYRAM MEDHI
VILL - SOBANCHAHA
P.O- KHETRIHARDIA
P.S- HAJO
DIST- KAMRUP(R)
PIN NO- 781102
D.O.B.- 09/08/1990

45: EMDADUL BORAH
C/O- TAMUZ ALI BORAH
VILL - GOG
P.O- BARPALAHA
P.S- BAIHATA CHARIALI
DIST- KAMRUP(R)
PIN NO- 781121
D.O.B.- 14/07/1993

46: JAYANTA BARMAN
C/O- LT. BIPIN BARMAN
VILL - SINGIMARI

P.O- ROUMARI
P.S- HAJO
DIST- KAMRUP(R)
PIN NO- 781104
D.O.B.- 31/12/1986

47: TABIBUR RAHMAN
C/O- TAMIZUDDIN AHMED
VILL - DEHAR KURIHA
P.O- SANIADI
P.S- HAJO
DIST- KAMRUP(R)
PIN NO- 781102
D.O.B.- 01/02/1982

48: DEBAJIT KALITA
C/O- MALATI KALITA
VILL - ABHAYPUR
P.O.- GERUAH
P.S- HAJO
DIST- KAMRUP(R)
PIN NO- 781102
D.O.B.- 01/01/1986

49: MOUSUMI SARMA
C/O- KAMALA PRASAD SARMA
VILL AND P.O- GERUAH
P.S.- HAJO
DIST- KAMRUP(R)
PIN NO- 781102
D.O.B.- 16/12/1990

50: SIKHA SAIKIA
C/O- KANAK CH. SAIKIA
VILL AND P.O- UTTAR PETBORAH
P.S- RAHA
DIST- KAMRUP(R)
PIN NO- 782144
D.O.B.- 04/02/1987

51: JYOTSHNA DEKA
C/O- SARAT CH. DEKA
VILL AND P.O- PACHARIA
P.S- HAJO
DIST- KAMRUP(R)
PIN NO- 781104
D.O.B.- 02/10/1981

52: RUMA GOGOI
C/O- LT. JIBESWAR GOGOI
TOWN- RAHA
P.O./P.S.- RAHA
DIST- NAGAON
PIN NO- 782103
D.O.B.- 11/02/1981

53: MATIUR RAHMAN
C/O- LT. JAMIRUDDIN AHMED
VILL AND P.O.- MANAHKUCHI
P.S- HAJO
DIST- KAMRUP(R)
PIN NO- 781104
D.O.B.- 01/01/1986

54: NAJRUL HAQUE ALI
C/O- AKBAR ALI
VILL AND P.O- DADARA
P.S.- DADARA
DIST- KAMRUP(R)
PIN NO- 781104
D.O.B.- 01/06/1989

55: PINKU DAS
C/O- MRS. MINI DAS
P.S./P.O.- NOONMATI
DIST- KAMRUP(M)
PIN NO- 781020
D.O.B.- 17/03/1986

56: SABITRI KAKATI
C/O- SRI PRADIP KR. SARMAH
VILL AND P.O- CHANGSARI
P.S- CHANGSARI
DIST- KAMRUP(R)
PIN NO- 78110

VERSUS

1:THE UNION OF INDIA AND 3 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
MINISTRY OF HUMAN RESOURCE AND DEVELOPMENT DEPARTMENT OF
SCHOOL EDUCATION AND LITERACY, NEW DELHI-1.

2:THE STATE OF ASSAM
REPRESENTED BY COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM

ELEMENTARY EDUCATION DEPARTMENT
DISPUR
GHY-06.

3:THE AXOM SARBA SIKSHA ABHIJAN MISSION
REPRESENTED BY ITS MISSION DIRECTORATE. KAHILIPARA
GUWAHATI-19.

4:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHAILIPARA
GUWAHATI-19

Advocate for the Petitioner : MR. P K GOSWAMI

Advocate for the Respondent : ASSTT.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE N. KOTISWAR SINGH

ORDER

Date : 19-07-2019

Heard Mr. P.K. Goswami, learned senior counsel for the petitioners.

Issue notice, returnable within 4 (four) weeks.

Ms. A. Gayan, learned CGC accepts notice on behalf of respondent No. 1.

Mr. S. Sarma, learned Standing Counsel, SSA accepts notice on behalf of respondent No. 3.

Mr. P.N. Sharma, learned Standing Counsel, Education Department accepts notice on behalf of respondent Nos. 2 and 4.

The petitioners have approached this Court for ensuring certainty of their service.

The petitioners were initially appointed on contractual basis under the Sarva Siksha Abhiyan scheme.

It is claimed that the entire process of recruitment as applicable for appointment to regular posts had been adopted, which the petitioners had successfully undergone.

However, their services are only for 5 (five) years as per the agreement entered with the State Government, though there is no time limit for the scheme under which they were appointed. Being apprehensive that their services may be discontinued these are merely contractual, even though the nature of the recruitment process which they had undergone is akin to process for regular appointment, the petitioners have approached this Court for appropriate direction to the State.

They have contended that they are as good as any other regular employees of the State, discharging similar duties and if the State Government can accommodate them against regular posts, they would be assured of regularity in the service, for which they have

approached this Court.

The State will respond to their plea by filing necessary affidavit.

Learned counsel for the petitioners has prayed for passing an interim order for assurance that their future will be secured, for which, it has been pointed out that there are many regular vacancies under the State Education Department having similar status and duties and functions and it will not cause any prejudice to the State, if proportionate number of posts as the petitioners, are kept reserved in the regular establishment, in the event authorities so decide to accommodate the petitioners.

In that view of the matter, as an interim measure, let proportionate number of posts as the number of petitioners in the Elementary Education (Upper Primary), Government of Assam, be kept unfilled, which may not be filled without the leave of this Court.

As this order has been passed without fully hearing the respondents, the respondents may approach this Court for modification of this interim order by filing necessary application.

List this matter along with WP(C) 8824/2018.

JUDGE

Comparing Assistant