

GAHC010167462019



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

**Case No. : WP(C) 5824/2019**

1: JADUMONI BORAH AND 52 ORS.  
S/ O - LATE THAGIRAM BORAH  
VILLAGE - NO 1 CHINTAMONI GARH  
PO - CHINTAMONI GARH  
DIST - SIVASAGAR, PIN-785640  
DOB - 31/12/1984, AGE- 35 YEARS

2: BIDYUT GOGOI  
S/ O- TANKESWAR GOGOI  
VILLAGE - DIKSHU MOUT GAON  
PO - DIKSHU  
DIST- SIVASAGAR  
PIN-785640  
DOB - 01/07/1986  
AGE-33 YEARS

3: REKHA BARUAH  
D/ O- BISWA KANTA BARUAH  
VILLAGE - NAKHANA KHANIKOR GAON  
PO - NAKHANA  
PIN - 785664  
DIST - SIVASAGAR  
DOB - 30/06/1984  
AGE- 35 YEARS

4: RANJIT PHUKAN  
S/O - PADMESWAR PHUKAN  
VILLAGE - REBATI GAON  
PO - LIGIRI PHUKHURI  
PS - NAZIRA  
PIN- 785664  
DIST - SIVASAGAR  
DOB - 01/08/1971  
AGE-48 YEARS

5: AKHOY JYOTI HANDIQUE  
S/O - HARESH HANDIQUE  
VILLAGE - DEMOW A NAGAR  
PO - DEMOW  
PIN - 785662  
DIST - SIVASAGAR  
DOB - 01/03/1977  
AGE-42 YEARS

6: LAKHI KUMAR KALITA  
S/O- SOMESWAR KALITA  
VILLAGE - MICHAJAN  
PS - NAMTI  
DIST - SIVASAGAR  
PIN 785684  
DOB - 31/10/1975  
AGE- 44 YEARS

7: SURJYA SAIKIA  
S/O - BHOLOCK SAIKIA  
VILLAGE - ROGHUBARI  
PO - DIKHOWMUKH  
DIST - SIVASAGAR  
PIN - 785664  
DOB - 01/02/1982  
AGE- 37 YEARS

8: SULTANA SHRIREEN ZAMAL  
D/O - LATE BODIUZ ZAMAL  
VILLAGE - ARJUNGURI  
PS - SIVASAGAR  
DIST - SIVASAGAR  
PIN-785640  
AGE - 38 YEARS

9: MANASHI CHETIA  
D/O- LATE BUDURAM CHETIA.  
VILLAGE - BOKATA GOHAIN GAON.  
P.S- NEMUGURI.  
P.O- NEMUGURI.  
DIST- SIVASAGAR.  
PIN- 785674.  
DOB- 13/06/1978  
AGE-41 YEARS

10: MRIDYUT KAKOTY  
S/O - THANURAM KAKOTY

VILLAGE - NAMTI CHARIALI  
DIST - SIVASAGAR  
PIN - 785685  
DOB - 01/01/1987  
AGE- 32 YEARS

11: LAKHI PRASAD BORBARUAH  
S/O - KUMUD CH BORBARUAH  
VILLAGE - GELEKI HANDIQUE GAON  
P.O - PIYALI PHUKAN  
DIST - SIVASAGAR  
PIN 785685  
DOB - 25/12/1987  
AGE- 32 YEARS

12: MOUSUMI SABHAPANDIT  
D/O- LATE MAKHAN CH SABHAPANDIT  
VILLAGE - KENDUGURI  
PO - RAMANI ALI  
PIN 785686  
DIST - SIVASAGAR  
DOB - 25/01/1987  
AGE- 32 YEARS

13: SANJEEV KUMAR MAHANTA  
S/O- GIRINDRA KUMAR MAHANTA  
VILLAGE - NAKHANA BEZGAON  
PO - NAKHANA  
PIN - 785664  
DIST - SIVASAGAR  
DOB - 28/08/1989  
30 YEARS

14: BHARATI GOGOI  
D/O- MOHENDRA GOGOI  
VILLAGE - LAKHIMI NAGAR  
PO - CHEREKAPAAR  
PS - SIVASAGAR  
PIN-785640  
DIST - SIVASAGAR  
PIN 785640  
AGE - 42 YEARS

15: ARCHANA BORTHAKUR  
D/O- LATE RATNESWAR BORHAKUR  
VILLAGE - OLD AMULAPATTY  
WARD NO - 11  
P.O - SIVASAGAR

PIN-785640  
P.S- SIVASAGAR  
AGE-29 YEARS

16: NAYANMONI CHETIA  
D/O - PITHURAM CHETIA  
VILLAGE - RAJAPOL GOHAIN GAON  
PO - RAJAPOL  
PS - NAZIRA  
PIN - 785685  
DOB - 31/05/1982  
AGE- 37 YEARS

17: JULI BORAH MECH  
D/O - DIJEN BORAH  
VILLAGE - GARGAON  
PO - GARGAON  
PS - SIMALUGURI  
DIST - SIVASAGAR  
PIN - 785685  
DOB - 31/03/1986  
AGE-33 YEARS

18: BIJAY CHANDRA DAS  
S/O - LATE HARAKANTA DAS  
VILLAGE - RUDRASAGAR  
DIST. - SIVASAGAR  
PIN - 785665  
DOB - 31/11/1975  
AGE-44 YEARS

19: CHIRANJIT GOGOI  
S/O - GOLAP CH GOGOI  
VILLAGE - DULAKAKHARIA  
PO - DULAKAKHARIA  
PIN 785696  
DIST - SIVASAGAR  
DOB - 31/12/1989  
AGE-30 YEARS

20: SAYEDA IRFAN SHAHIN  
D/O - LATE SAYED ABDUL MASLIN  
VILLAGE - NO MATI  
PO - NAZIRA  
PIN 785685  
DOB 19/11/1989  
AGE- 30 YEARS

21: GAYATRI PHUKAN  
D/O- BIPIN PHUKAN  
VILLAGE - SUNPURA GOHAIN GAON  
PO - GARGAON  
PS - SIVASAGAR  
PIN 785685  
DIST - SIVASAGAR  
DOB 03/03/1985  
AGE- 34 YEARS

22: ABHISEKH CHETIA  
S/O - GOPI CHETIA  
VILLAGE - GELEKI HANDIQUE GAON  
PO - PIOLI PHUKAN  
DIST - SIVASAGAR  
PIN 785685  
DOB - 31/08/1982  
AGE-37 YEARS

23: DEBAJANI GOGOI  
W/O - PRASHANTA PHUKAN  
VILLAGE - DEMOW MADHUPUR  
PO - DEMOW  
DIST- SIVASAGAR  
PIN 785662  
AGE- 30 YEARS

24: UPASANA BORGOHAIN  
D/O- LATE ARUN BORGOHAIN  
VILLAGE - OLD AMULAPATTY  
NA - ALI  
DIST- SIVASAGAR  
PIN 785640  
AGE- 29 YEARS

25: NILUPALA BHUYAN  
H/O - SURAJ JYOTI BARUAH  
VILLAGE - TEOK  
DIST - JORHAT  
ASSAM  
AGE-32 YEARS  
PIN - 785112

26: SIMA BARUAH PHUKAN  
D/O -- SUKUMAR BARUAH  
VILLAGE - HATIMURIA .  
P.S - AMGURI  
PIN-785662

P.O-CHARINGIA PUKHURI.  
DIST- SIVASAGAR .  
AGE-32 YEARS.

27: JYOTIMONI BORAH DUTTA  
D/O -- GANESH CHANDRA BORAH.  
VILLAGE - KATHALBARI.  
P.O-KALUGAON  
PIN-785660  
P.S - SIVASAGAR.  
AGE -38 YEARS

28: NILAKSHI PHUKAN  
D/O- LATE MUNINDRA NATH PHUKAN  
VILLAGE - DIMOW KONWER DEHINGIA  
P.S - DEMOW.  
P.O- DEMOW.  
PIN -785662  
DIST- SIVASAGAR  
AGE - 29 YEARS

29: PURBALI BARUAH  
D/O - MR. SURENDRA NATH BARUAH.  
WARD NO -14  
P.O AND P.S - SIVASAGAR  
DIST -SIVASAGAR  
PIN- 785640  
DOB - 31/12/1984  
35 YEARS

30: SONI KHANIKOR CHETIA  
D/O - KHAGESWAR KHANIKOR  
VILLAGE - NAKHANA KHANIKOR  
PO - NAKHANA  
PS - GAURISAGAR  
DIST - SIVASAGAR  
DOB - 31/10/1982  
AGE- 37 YEARS

31: GEETARTHI BHUYAN NEOG  
H/O - JIBON NEOG  
VILLAGE - NA DECIAL GAON  
PO - SILPUKHURI  
PS - GAURISAGAR  
PIN-785662  
DIST - SIVASAGAR  
33 YEARS

32: MUNMI MOHAN  
W/O - HOREN RAKHOWA  
VILLAGE - CHALAPATHER GAON  
PO - LAKWA  
PIN - 785685  
DIST - CHARAIDEO  
AGE - 34 YEARS

33: RITUMONI BARUAH  
D/O - GIRIN BARUAH  
VILLAGE - LAKWA CHARIMUTHIA KONWAR GAON  
PO - SILAKUTI

DIST - SIVASAGAR  
PIN - 785698  
AGE- 40 YEARS

34: BORSHA BORUAH  
D/O - PULIN BORUAH  
VILLAGE - MOGORAHAT CHANGMAI GAON  
PO - MOGORAHAT  
DIST - SIVASAGAR  
PIN - 7856666  
DIST - SIVASAGAR  
AGE- 34 YEARS

35: SINU BORPATRA GOHAIN  
D/O- KHAGEN BORPATRAGOHAIN  
VILLAGE - JAYSAGAR . JAYANAGAR  
PIN 785665  
DIST SIVASAGAR  
AGE- 34 YEARS

36: RUNJUNMONI BORAH  
D/O - SUSHIL KR BORAH  
R/O-JAYANAGAR  
PO - JAYSAGAR  
DIST - SIVASAGAR  
PIN 785665  
AGE-39 YEARS

37: CHANDANA BORPATRA GOHAIN  
D/O- BHABESH BORPATRAGOHAIN  
VILLAGE - DIMUAL GAON  
PO - DHITAI PHUKHURI  
DIST - SIVASAGAR  
PIN 785685  
AGE- 43 YEARS

38: JOON MONI CHUTIA  
D/O- MOHAN CHANDRA CHUTIA  
VILLAGE - CHARING BARUATI GAON  
DIST - SIVASAGAR  
PIN - 785661  
AGE - 34 YEARS

39: JUTIKA SENSUA  
D/O - BHUPEN SENSUA  
VILLAGE - DEOPANI GOHAIN GAON  
PO - DEOPANI  
PIN 785684  
DIST SIVASAGAR  
AGE- 28 YEARS

40: MINAKSHI BARUAH  
D/O - UPEN BARUAH  
P.O - CHEREKAPAAR  
PIN-785684  
PS - CHEREKAPAAR  
AGE- 44 YEARS

41: MOUCHUMI BORAH  
D/O- KHILESWAR BORAH  
VILLAGE - BETBARI DAWGAON  
PO - MITHAPUKHRI  
DIST - SIVASAGAR  
PIN 785697  
AGE- 34 YEARS

42: CHANDAN PHUKAN  
S/O - HOREN PHUKAN  
VILLAGE- GAURISAGAR BEZGAON  
PO - GAURI SAGAR  
PS - GAURI SAGAR  
DIST - SIVASAGAR  
PIN - 785664  
DOB - 11/08/1992  
AGE- 27 YEARS

43: ANANTA BORGHAIN  
S/O - PADMESWAR BORGHAIN  
VILLAGE - GARALI  
PO - RAJAPOL  
PS - NAZIRA  
DIST - SIVASAGAR  
AGE- 35 YEARS

44: ARUNIMA BARUAH GOGOI  
D/O - KANAK BARUAH  
VILLAGE - LALIMCHIGA  
PO - LALIM CHIGA  
PIN - 785680  
DIST - SIVASAGAR  
AGE- 33 YEARS

45: PURABI CHETIA  
D/O - SUNESWAR CHETIA  
METEKA LAIMEKURI GAON  
P.O - METEKA  
SIVASAGAR  
PIN - 785640  
AGE- 29 YEARS

46: SHOBNAM AHMED  
D/O - LATE RAHMAT ALI  
VILLAGE - MEZENGA  
KETEKIBARI  
PO - MEZENGA  
PIN - 785685  
DIST - SIVASAGAR  
AGE- 30 YEARS

47: NABASMITA GOGOI  
D/O - PRABIN CH GOGOI  
VILLAGE - PHUKON PHODIA BEZGAON  
GAURISAGAR  
PO - NAKHANA  
PIN - 785664  
AGE- 29 YEARS

48: SHYMALIMA BORAH  
D/O - LATE HEMAKANTA BORAH  
VILLAGE - KHATUAL  
PO - CHINTAMONI  
DIST - JORHAT  
PIN - 785682  
AGE- 37 YEARS

49: MAMONI BORAH  
D/O - LATE BAPURAM BORAH  
VILLAGE - KHANAMUKH GHARPHALIA  
PO - KHANAMUKH  
DIST - JORHAT  
PIN - 785682

AGE- 47 YEARS

50: MONMAYURI GOGOI  
D/O- RANJIT GOGOI

R/O- DEMOW DEHINGIA GAON

P.O- DEMOW  
P.S- DEMOW  
PIN-785662.

51: ARPAN PHUKAN  
S/O- LATE PABITRA PHUKAN.  
R/O-CHARING BARUATI GAON

P.O- CHARING  
PIN- 785661.  
DIST- SIVASAGAR  
ASSAM.

52: PRANJAL SAIKIA  
S/O- BASANTA SAIKIA  
R/O-DULAKAKHORIA  
P.O- DULAKAKHORIA.  
P.S- GALEKY  
DIST- SIVASAGAR  
PIN-785696.

53: SABITA BARUAH  
W/O-DIPJYOTI SHARMA  
R/O-HABIRAM BORA PATH

WARD NO.11  
PIN-785640

DIST- SIVASAGAR  
ASSAM

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 ADDITIONAL CHIEF SECRETARY  
TO THE GOVERNMENT OF ASSAM  
EDUCATION DEPARTMENT  
DISPUR  
GHY-06.

4:THE AXOM SARBA SIKHA ABHIJAN/ AXOM SAMAGRA SIKHA ABHIJAN  
MISSION  
REPRESENTED BY ITS MISSION DIRECTORATE. KAHILIPARA  
GUWAHATI-19.

5:THE DIRECTOR OF ELEMENTARY EDUCATION  
ASSAM  
KAHILIPARA  
GUWAHATI-1

**Advocate for the Petitioner** : MR. B P BORAH

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

**BEFORE**  
**HON'BLE MR.JUSTICE N. KOTISWAR SINGH**  
**ORDER**

**22-08-2019**

Heard Mr. B.P. Borah, learned Senior Counsel assisted by Mr. P.J. Dutta, learned counsel for the petitioners. Also heard Mr. R. Mazumdar, learned Standing Counsel, Elementary Education Department and Mr. S.P. Bhattacharya, learned Standing Counsel, SSA.

Though on 14.08.2019, learned counsel for the petitioners has sought for a similar interim order to be passed as passed in WP(C) no.8824/2018 on 21.12.2018 which this Court also passed, however, inadvertently, the same order has not been recorded in the order-sheet. Accordingly, after hearing the parities, similar interim order is passed in the present

writ petition also. The interim order passed in WP(C) no.8824/2018 reads as follows:

“ .....

The petitioners have approached this Court for ensuring certainty of their service. The petitioners were initially appointed on contractual basis under the Sarba 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 service is 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 as it is 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 the matter on 11.09.2019.

**JUDGE**

**Comparing Assistant**