

GAHC010174592025



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

Case No. : I.A.(Civil)/2586/2025

ROKIB UDDIN AHMED
S/O LATE MOFIZ UDDIN AHMED,
RESIDENT OF VILLAGE AND PO NAGARBERA, PS NAGARBERA, DIST
KAMRUP ASSAM, 781127

VERSUS

THE STATE OF ASSAM
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)
KAMRUP (R) DISTRICT
PIN- 781382

4:THE BLOCK ELEMENTARY EDUCATION OFFICER
CHAMARIA
KAMRUP (R) DISTRICT
PIN- 781126

5:THE STATE LEVEL HIGH POWER COMMITTEE
REP. BY THE SENIOR MOST SECRETARY TO THE GOVT. OF ASSAM
EDUCATION DEPTT.
GHY-06

6:THE DISTRICT SCRUTINY COMMITTEE
REP. BY ITS CHAIRMAN CUM DY. COMMISSIONER
AMINGAON DISTRICT
PIN- 781380

7:NILAKANTHA TALUKDAR
S/O- LATE BENUDHAR TALUKDAR
VILLAGE- PIJUPARA
P.O AND P.S- NAGARBERA
DISTRICT- KAMRUP(ASSAM)
PIN-781127

Advocate for the Petitioner : MR. M HOSSAIN, S KHAN,MD A WADUD

Advocate for the Respondent : SC, ELEM. EDU,

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

Date : 21.01.2026

Heard Mr. M. Hossain, learned counsel for the applicant, who submits that in terms of the last Court's Order the amended cause-title has been filed, wherein, the respondent No. 7 has been newly impleaded. He submits that the respondent No. 7 is the writ petitioner in WP(C) No. 2803 of 2021 by which he had challenged the provincialisation of service of the instant applicant. The writ petition was disposed of vide Order dated 12.07.2021 with a direction to the petitioner to file an appeal before the Secretary to the Government of Assam, Department of School Education (Elementary), within a period of ten (10) days from the date of the Order and the said authority upon receipt of the appeal was directed to consider and dispose of the appeal after giving an opportunity of personal hearing to the stakeholders by way of an Speaking Order and in accordance with law within a period of two (2) months from the date of receipt of the appeal. It was further provided that till the appeal was being disposed of, the interim order not to provincialise the service of the petitioner passed on 12.07.2021 was to continue.

The learned counsel submits that despite the same, the respondent No. 7 did

not file any appeal, as was directed and the interim order was continues to operate against the petitioner till date. It is for this reason that the applicant has filed the instant applicant seeking vacation of the interim order.

As the respondent No. 7, who is the writ petitioner in WP(C) No. 2803 of 2021 has been impleaded as respondent No. 7 recently; let notice be issued, returnable by 19th February, 2026.

Ms. S. Chutia, learned Standing Counsel, Elementary Education Department, accepts notice on behalf of the respondent Nos. 1 to 5 and Mr. B. Deuri, learned Government Advocate, accepts notice on behalf of the respondent No. 6.

Applicant to take steps for service of notice upon the respondent No. 7 by speed post within two (2) working days.

List again on 19.02.2026.

JUDGE

Comparing Assistant