

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, MR. A DEKA(R7)

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 19.02.2026

Heard Mr. M. Hossain, learned counsel appearing for the applicant. Also heard Mr. A. Deka, learned counsel appearing for the respondent No. 7; Mr. B. Talukdar, learned Standing Counsel appearing for the respondent Nos. 1, 2, 3, 4 and 5 and Mr. J. K. Goswami, learned Additional Senior Government Advocate appearing for the respondent No. 6.

2. By way of this interlocutory application, the applicant is seeking vacation of ad-interim order dated 12.07.2021 passed by this Court in WP(C) No. 2803/2021.

3. It appears that WP(C) No. 2803/2021 has already been disposed of by this Court by order dated 17.02.2023. The operative parts of the judgment reads as under:

“Accordingly, the petitioner is directed to file an appeal before the

Secretary to the Government of Assam, School Education Department (Elementary)/Respondent No.1 within a period of ten days from today. Thereafter, on receipt of the appeal, the Respondent No.1 shall consider and dispose of the same after giving a personal hearing to the petitioner as well as Respondent No.7 by a speaking order and in accordance with law, within a period of two months from the date of receipt of the appeal. Till the appeal is disposed of, the interim order dated 12.07.2021 passed by this Court shall continue.”

4. There is no appeal or review against the aforesaid judgment and order dated 17.02.2023 passed in WP(C) No. 2803/2021. However, by filing the present interlocutory application, the applicant is seeking modification of the ad-interim order dated 12.07.2021 passed in the aforesaid writ proceeding, i.e., WP(C) No. 2803/2021, purportedly on the ground that the same is being directed to continue till disposal of the appeal.

5. Upon hearing the learned counsel appearing for the parties and having perused the material available on record, it appears that the present interlocutory application is for vacating a stay granted by this Court in the writ petition, which has already been disposed of.

6. Undoubtedly, if a writ petition is ultimately dismissed, any interim order passed therein stands nullified automatically. In the instant case, this Court, while disposing of the writ petition, held that the interim order passed earlier therein shall continue till the appeal is disposed of. The interim order passed on 12.07.2021 is accordingly continued by the final order. Hence, until and unless the final order is put to challenge, the interim order dated 12.07.2021 cannot be vacated as

the same has merged into the final order. Admittedly, there is no challenge to the final order.

7. That being so, the present interlocutory application is meritless.

8. Accordingly, the interlocutory application stands dismissed.

JUDGE

Comparing Assistant