

GAHC010175012023



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

Case No. : WP(C)/4580/2023

MONOWAR HUSSAIN
S/O- LATE TOWAZUDDIN SHEIKH,
R/O- VILL- KAMARDIHI PART I,
P.O- TILAPARA, DIST- DHUBRI, ASSAM, PIN-783348

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM, SCHOOL
EDUCATION DEPARTMENT, DISPUR, GUWAHATI-6.

2: THE DIRECTOR OF SECONDARY EDUCATION ASSAM

KAHILIPARA
GUWAHATI-19

3: THE DEPUTY DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI
ASSAM
PIN- 781019.

4: THE INSPECTOR OF SCHOOLS

DHUBRI DISTRICT CIRCLE
P.O AND DIST- DHUBRI
ASSAM
PIN-783301

5: JAHANGIR SHEIKH
S/O- LATE NIZAMUDDIN SHEIKH

R/O- VILL- KAMARDIHI PART I

P.O- TILAPARA
DIST- DHUBRI
ASSAM
PIN-78334

Advocate for the Petitioner : MR. I H SAIKIA

Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

16-08-2023

Heard Mr. I.H. Saikia, learned counsel for the petitioner.

This writ petitioner is before this Court for the second time being aggrieved by the orders of the Director of Secondary Education as he was not permitted to hold the charge of In-charge Headmaster in Tilapara High School. Earlier by order dated 28.07.2022 passed in WP(C) No.278/2022, which was filed by the present petitioner, the Director of Secondary Education was directed to decide afresh the issue of appointment of the respondent no. 5 therein as the In-charge of Headmaster of the said school in terms of the provision of Rule 14 (2) of the Assam Secondary Education (Provincialised School) Rules, 2018. Learned counsel for the petitioner submits that the respondent no.5 does not have the B.Ed. degree and as per the Rules, the respondent no.5 is not qualified to hold the said post. He, however, submits that in the order dated 28.07.2022 passed by this Court in WP(C) No.278/2022, it has been observed that the petitioner had not completed 10 (ten) years of teaching experience which as per

the petitioner the submission has been wrongly recorded and for which the review petition is being filed for seeking necessary corrections. Learned counsel for the petitioner submits that the petitioner has completed 10 (ten) years of teaching experience and he has B.Ed. degree and therefore, he ought to give the post of In-charge Headmaster of Tilapara High School.

In that view of the matter, let notice be issued returnable by 4 (four) weeks.

Since, Mr. U. Sarma, learned Standing Counsel, Secondary Education Department appears for the respondent nos. 1, 2, 3 & 4, notices are waived. However, extra copies of the petition be served to him within 7 (seven) days from today.

Petitioner shall take steps for service of notice upon the respondent no.5 by registered post with A/D.

In view of the submissions made by the learned counsel for the petitioner that the petitioner satisfies the requirement of 10 years of teaching experience and also having a B.Ed degree, the impugned order dated 11.04.2023 shall remain stayed until the next returnable date. Since the order has been passed *ex parte*, the respondent no.5 is at liberty to file any application seeking modification/ vacation/alteration of the order passed by this Court. The Court may in the meantime allow the concerned Inspector of Schools to hold charge of the Office of the Headmaster of the Tilapara High School till the next returnable date.

List the matter on 15.09.2023.

JUDGE

Comparing Assistant