

GAHC010180132025



2025:GAU-AS:13085

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

Case No. : WP(C)/4814/2025

MONESWAR BORDOLOI AND ORS
SO- LATE GOPAL BORDOLOI, R/O- VILL- KAWAIMARI CHALCHALI, DHING
ROAD, NAGAON, PIN-782002, ASSAM

2: RINKUMONI MORANG
D/O- HEM CHANDRA MORANG
R/O- WARD NO- 1
NORTH LAKHIMPUR
PIN-787001
ASSAM

3: RASHMI REKHA ROY
D/O- JAGGANATH ROY
R/O- CHENGA
P.O- CHENGA
BARPETA
PIN-781305
ASSA

VERSUS

THE STATE OF ASSAM AND ORS
REP. BY THE SECRETARY , DEPARTMENT OF SCHOOL EDUCATION, GOVT.
OF ASSAM, DISPUR, GUWAHATI-06, ASSAM

2:THE SECRETARY
STATE LEVEL RECRUITMENT COMMISSION FOR CLASS III POSTS
ASSAM ADMINISTRATIVE STAFF COLLEGE
JAWAHARNAGAR
KHANAPARA
GUWAHATI-22
ASSAM

3:THE DIRECTOR OF ELEMENTARY EDUCATION

ASSAM
KAHILIPARA
GUWAHATI-19
ASSAM

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
NAGAON
PANIGAON
PIN-781303
ASSAM

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER
LAKHIMPUR
NORTH LAKHIMPUR
PIN-787001
ASSAM

6:THE DISTRICT ELEMENTARY EDUCATION OFFICER
BARPETA
KRISHNA NAGAR
NEAR CHOWLKHUWA RIVER
BARPETA
PIN-781301
ASSAM

7:THE INSPECTOR OF SCHOOLS
BARPETA
MUSLIMPATTY
PIN-781301
ASSAM

8:THE INSPECTOR OF SCHOOLS
LAKHIMPUR
NAKARI ROAD
NORTH LAKHIMPUR
PIN-787001
ASSAM

9:THE INSPECTOR OF SCHOOLS
NAGAON
CHRISTIANPATTY
NAGAON
PIN-782001
ASSA

Advocate for the Petitioner : MR. T J MAHANTA, MR. C PAUL,MR BHARGAV DAS,MR. K P
PATHAK

Advocate for the Respondent : SC, ELEM. EDU,

BEFORE
HON'BLE MR. JUSTICE NELSON SAILO
O R D E R

22.09.2025

Heard Mr. K.P Pathak, learned counsel for the petitioners and Mr. A. Phukan, learned Standing Counsel, Elementary Education Department for all the respondents, except for respondent No.2 and Mr. B. Choudhury, learned counsel for the respondent No.2. Having regard to the nature of the grievance projected by the petitioners, the writ petition is taken up for disposal at this stage as agreed to by the learned counsels for the parties.

2. It is the case of the petitioners that they being Grade-IV employees working under various establishment under the Elementary Education Department, Government of Assam, they are eligible to be considered for promotion to the next promotional post i.e., Junior Assistant (Grade-III) in terms of Rule-10(3) of the Assam Directorate Establishment (Ministerial Service) Rules, 1973, as amended (Rules of 1973).

3. Mr. K.P Pathak, learned counsel for the petitioners submits that the petitioner No.1 is working under the establishment of District Elementary Education Officer, Nagaon, wherein there is a vacancy of 16 Grade-III posts currently. The petitioner No.2 is working under the establishment of District Elementary Education Officer, North-Lakhimpur, wherein there are 07 (seven) Grade-III vacant posts. As far the petitioner No.3, he works under the establishment of District Elementary Education Officer, Barpeta, wherein there are 05(five) Grade-III vacant posts. The petitioners are

therefore eligible to be considered against the vacancies.

4. He submits that the State Level Recruitment Commission, Government of Assam has issued an advertisement on 30.10.2023 for recruitment of three categories of Class-III posts and the petitioners are concerned with the first category. He submits that since there is a provision for promotion of Grade-IV employees to the next higher post in the Grade-III, it only appears that the filling up of the Grade-III posts is being processed without considering the case of the petitioners despite their cases having been forwarded to the Director of Elementary Education, Government of Assam. In so far as the provision for filling up the post of Grade-III through promotion in terms of Rule 10(3) of the Rules of 1973, as amended, is concerned, 10% of the vacancies are to be filled up by considering Grade-III staffs of the office having Bachelor degree from a recognized university and having rendered not less than 07(seven) years of continuous service. The petitioners have contended that they are eligible to be considered under the said provision and that a representation had been submitted to the Director of Elementary Education, Assam on 30.06.2025.

5. It is however seen that apart from the petitioner there are others also who are signatories to the representation dated 30.06.2025. Having regard to the provision provided by the Rules of 1973, as amended, it would be incumbent upon the part of the respondent authorities to take into account the 10% of the posts earmarked for promotion from Grade-IV post in the department by considering the case of the petitioners.

6. Therefore, instead of keeping the matter pending before this Court, the writ petition is disposed of by directing the petitioners to file their

individual representation before the Director of Elementary Education, Assam within a period of 10(ten) days from today for consideration of their case for promotion to Grade-III post under the department. The Director, on receipt of such representations, shall consider the same in accordance with law and thereafter pass a reasoned order within a period of one month from the date of receipt of the representations. The Director shall also take note of the fact that the District Elementary Education Officer/Deputy Inspector of Schools had already forwarded the applications filed by the writ petitioners and therefore, the same should also be taken into account.

7. It is further provided that until the consideration and disposal of the representations of the petitioner is done, as directed hereinabove, one Grade-III post each in the establishments of the District Elementary Education Officer in Nagaon, North-Lakhimpur and Barpeta shall be kept vacant.

8. With the above observations and directions, the writ petition is disposed of.

JUDGE

Comparing Assistant