

GAHC010186742020



2026:GAU-AS:4090

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

Case No. : Cont.Cas(C)/628/2020

MD. AJNUR ALI
S/O- MD. HAYDAR CHOUDHURY, R/O- NAKHULA GRAT, P.O. JAGIROAD,
DIST.- MOROGAON, ASSA, PIN- 782410

VERSUS

PREETAM SAIKIA AND ANR
COMM. AND SECY. TO THE GOVT. OF ASSAM, EDUCATION (SECONDARY)
DEPTT., DISPUR, GHY-06

2:P. JIDUNG
DIRECTOR SECONDARY EDUCATION
ASSAM
KAHILIPARA
GHY-1

Advocate for the Petitioner : MR. B K DAS, MR H P GUWALA

Advocate for the Respondent : MS. P CHAKRABORTY, SC, SEC. EDU.

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
ORDER

20.03.2026

1. Heard Mr. P Neog, learned counsel appearing on behalf of Mr. BK Das, learned counsel for the petitioner.

2. On request of this court, Mr. B Kaushik, learned standing counsel for Secondary Education Department has assisted this court.
3. This case has a chequered history.
4. One Harmohan Kalita and the petitioner herein, Md. Anjur Ali preferred two separate writ petitions being WP(C) 2636/2017 and WP(C) 3996/2017 respectively assailing recommendation of Selection Committee dated 05.12.2016 of Jagiroad Higher Secondary School, Morigaon recommending the name of the selected candidate primarily on the ground of violation of Rule 8(4) of Assam Secondary Education (Provincialisation) Service Rules, 2003.
5. Both the writ petitions were disposed of by a common order dated 27.02.2019 for having no cause of action as a stand was taken by the Education Department that a fresh interview shall be held in terms of a speaking order dated 10.01.2019.
6. Thereafter, one Apurba Das preferred WP(C) 2288/2019, wherein the present petitioner was arrayed as respondent No. 5.
7. In the said writ petition, the speaking order dated 10.01.2019 was assailed and such challenge was upheld by this court under its order dated 05.12.2019 on the ground that reasonable opportunity of hearing was not granted to the petitioner, Apurba Das.
8. However, this court granted a liberty to pass appropriate order to the respondents as they may deem fit as regards appointment to the post of Principal of Jagiroad Higher Secondary School after hearing the petitioner Apurba Das.
9. The said Apurba Das is not before this court, rather the

respondent No. 5 in WP(C) 2288/2019 is before this court, alleging willful and deliberate violation of this order. In the opinion of this court, violation of the right of the present petitioner of "being heard" before passing the speaking order was neither assailed at any point of time nor this court decided his right in WP(C) 2288/2019.

10. In view of the aforesaid, in the opinion of this court this contempt petition is not maintainable at the behest of the respondent No. 5 in WP(C) 2288/2019/ petitioner. Accordingly, same stands closed.

JUDGE

Comparing Assistant