

GAHC010192762024



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

Case No. : WP(C)/4879/2024

SAROJ UPADHYAYA
S/O- LATE TIRTHARAJ UPADHYAYA, VILL.- SOCIETY, P.O. AND P.S.
SILAPATHAR, DISTRICT- DHEMAJI, ASSAM, PIN-

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
SCHOOL EDUCATION DEPARTMENT, DISPUR, GUWAHATI-6

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 19

3:THE INSPECTOR OF SCHOOLS
DHEMAJI DISTRICT CIRCLE
DHEMAJI
DIST.- DHEMAJI
PIN-

4:THE DISTRICT SCRUTINY COMMITTEE
REPRESENTED BY ITS CHAIRMAN
C/O- O/O THE DEPUTY COMMISSIONER
DISTRICT- DHEMAJI
ASSAM
PIN

Advocate for the Petitioner : Mr. S K SINGHA

Advocate for the Respondent : Ms P. Das

Linked Case : WP(C)/4956/2024

JAGANATH GOJIREL
S/O- LATE KHARANANDA GOJIREL

VILLAGE- MADHYA SATRONG

P.O AND P.S- GOHPUR
DIST- BISWANATH
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM
SCHOOL EDUCATION DEPARTMENT
DISPUR
GUWAHATI-06

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 781019.

3:THE INSPECTOR OF SCHOOLS

DHEMAJI DISTRICT CIRCLE

DIST.-DHEMAJI
ASSAM

4:THE DISTRICT SCRUTINY COMMITTEE
REP. BY ITS CHAIRMAN

O/O- THE DEPUTY COMMISSIONER
DIST- DHEMAJI
ASSAM

Advocate for : MR. S K SINGHA
Advocate for : SC
SEC. EDU. appearing for THE STATE OF ASSAM AND 3 ORS

**BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR**

ORDER

Date : 27.01.2026

Heard Mr. S K Singha for the petitioner. Also heard Ms P. Das, learned Standing Counsel, Secondary Education Department.

2. At the request of the learned Counsel for the Secondary Education Department, list this matter again on 30th of January, 2026.
3. Pleadings are completed.
4. The affidavit filed by the Director of Secondary Education, quotes as follows:

“It is pertinent to mention herein that in compliance with the Hon’ble High Court’s order dated 11-12-2023 in WP(C) No. 7188/2013 filed by Saroj Upadhaya-Vs-The State of Assam, an order was issued by this good office vide order no. PC/CC/56/2014/8 dated 13-05-2013 wherein, it is stated that the claim of the petitioner cannot be considered as no student in the subject of Sanskrit from the petitioner’s school i.e. Silapathar Town High School, Dist-Dhemaji, appeared in the HSLC Examination from the very beginning till 2013 and the name of the petitioner Saroj Upadhaya, Sanskrit teacher of Silapathar Town High School has not been recommended by the District Scrutiny Committee, Dhemaji for provincialisation of service under the “Assam Venture Educational Institution (Provincialisation of Services) Act”, 2011”.

5. The learned Counsel for the petitioner has submitted that the petitioners are similarly situated to

the incumbents who are petitioners in Kamal Sajati and others Vs. State of Assam (WPC No. 464 of 2014). It is stated that the petitioners in Kamal Sajati and Others have been given the benefit of provincialization following the dismissal of the appeal preferred by the State, where initially the delay was condoned and later, SLP preferred in the Hon'ble Supreme Court by the petitioners therein was allowed. The order of the Supreme Court in SLP 985 of 2023 had recorded as follows:

“Needless to state that though the appellants were waiting in the corridors of justice from the year 2016 for implementation of the just order passed in their favour by the learned Single Judge of the High Court, they have been denied the fruits thereof for almost eight years.”

“As such, we direct the State to implement the order dated 25th May, 2016 passed by the learned Single Judge of the High Court qua the appellants herein within a period of four weeks from today.”

6. In the present case, it is noticed that no appeal was preferred by the State against the order of which the petitioners now seek the implementation. On the next date fixed, the learned Counsel for the Education Department shall address this Court as to why a similar relief as granted in Kamal Sajati should not be granted in the present case also.
7. Counsels are requested to be prepared for disposal.
8. List this matter again on 30th January, 2026 allowing Miss P. Das, learned Standing Counsel for the Education Department to file the affidavit in opposition.
9. The learned Counsel for the petitioner is allowed to file the affidavit in response in the meantime.

JUDGE

Comparing Assistant