

GAHC010194302019



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

**Case No. : WP(C) 5973/2019**

1: MANIK DEB NATH AND 53 ORS.  
S/O- LATE SUNIL DEBNATH  
VILL- BHUTIAPARA, P.O AND P.S- BASUGAON, PIN-783372  
DIST- CHIRANG, ASSAM, AGE-40 YEARS.

2: SANTOSH TALUKDAR  
S/O- LATE BISHAMBAR TALUKDAR  
ADDRESS- BASUGAON  
THURIBARI  
WARD NO-3  
PIN-783372  
P.O AND P.S- BASUGAON  
DIST- CHIRANG  
ASSAM  
AGE- 51 YEARS

3: SANJAY KUMAR SUTRADHAR  
S/O- LT NARAYAN CH. SUTRADHAR  
VILL- NO.1 SUPARIGURI  
P.O- FAGUNAGAON  
P.S- BIJNI  
PIN-783390  
DIST- CHIRANG  
ASSAM  
AGE- 40 YEARS

4: GIRIDHAR SARMA  
S/O- SRI BISWA DEV SARMA  
VILL- BASUGAON(RAJACHARANG)  
P.O AND P.S- BASUGAON  
DIST-CHIRANG  
ASSAM.  
PIN-783372  
AGE- 36 YEARS

5: PRITAM BISWAS  
S/O- PRAFULLA BISWAS VILL- BASUGAON  
SUBHAS NAGAR  
WARD NO-1  
PIN-783372  
P.O AND P.S- BASUGAON  
DIST- CHIRANG  
ASSAM  
AGE-30 YEARS

6: MRIDUL SARKAR  
S/O- LATE MANINDRA CH. SARKAR  
ADDRESS- WARD NO-03  
BASUGAON  
PIN-783372  
DIST- CHIRANG  
P.O AND P.S- BASUGAON  
ASSAM  
AGE-40 YEARS

7: SUDIP SARMA  
S/O- SUNIL SARMA  
ADDRESS- BASUGAON  
WARD NO-03  
P.O AND P.S- BASUGAON  
PIN-783372  
DIST- CHIRANG  
ASSAM  
AGE- 42 YEARS

8: DEBRAJ DEY  
S/O- DULAL DEY  
VILL- BASUGAON  
SISUMANGAL  
WARD NO-03  
P.O AND P.S- BASUGAON  
PIN-783372  
DIST- CHIRANG  
ASSAM  
AGE-32 YEARS

9: MANOJIT DEY  
S/O- LATE MANGAL CH. DEY  
VILL- BASUGAON  
WARD NO-01  
SISUMANGAL  
P.O- BASUGAON

DIST- CHIRANG  
ASSAM  
PIN- 783372  
AGE- 38 YEARS

10: SUCHITRA RAY  
S/O- LANKESWAR RAY  
VILL-NAMALPUR  
P.O- SIDHI  
DIST- CHIRANG  
ASSAM  
PIN-783373  
AGE- 37 YEARS

11: ALPANA BARUAH BHARALI  
D/O- LATE BATI RAM BARUAH  
VILL- BASUGAON  
WARD NO-02  
P.OANDP.S- BASUGAON  
DIST- CHIRANG  
ASSAM  
PIN-783372  
AGE-47 YEARS

12: RAKESH DEY  
S/O- NATAI DEY  
VILL- BASUGAON  
WARD NO-01  
P.O AND P.S- BASUGAON  
DIST- CHIRANG  
ASSAM  
PIN-783372  
AGE- 36 YEARS

13: CHANAKYA ROY  
S/O- GAJENGRA CHANDRA ROY  
VILL- BENGTOLE NO-02  
P.O- BENGTOLE  
DIST- CHIRANG  
ASSAM  
PIN- 783394  
AGE- 35 YEARS

14: NIBEDITA BARMAN  
D/O- RAJ KUMAR BARMAN  
VILL- KUKURMARI  
DALIGAON  
P.O- DALIGAON

DIST- CHIRANG  
ASSAM  
PIN-783385  
AGE- 27 YEARS

15: RAJIB KUMAR BARMAN  
S/O- PABITRA KUMAR BARMAN  
VILL- NAMALPUR  
P.O- SIDHI  
DIST- CHIRANG  
ASSAM  
PIN-783373  
AGE- 24 YEARS

16: SUSMITA SARKAR  
D/O- SUBHAS SARKAR  
ADDRESS- THANA ROAD  
THURIBARI  
WARD NO-03  
PIN- 783372  
P.O- BASUGAON  
DIST- CHIRANG  
ASSAM  
AGE- 29 YEARS

17: TANIMA KAR  
D/O- LATE DILIP KAR  
ADDRESS- BASUGAON  
WARD NO-01  
SUBHAS NAGAR  
PIN-783372  
P.OANDP.S- BASUGAON  
DIST- CHIRANG  
ASSAM

18: DEBASISH KUMAR PAUL  
S/O- LATE SHYAMAL BANDHU PAUL  
ADDRESS- BIJNI TOWN  
WARD NO-03  
PIN- 783390  
P.OANDP.S- BIJNI  
DIST- CHIRANG  
ASSAM  
AGE-37 YEARS

19: KARNA ROY  
S/O- KISHORI MOHAN ROY

ADDRESS- BALDIABATHAN  
P.O-SAKTIASHRAM  
P.S- FAKIRAGRAM  
DIST- KOKRAJHAR  
PIN-783354  
AGE- 40 YEARS

20: GOUTAM GHOSH  
S/O- GAURANGA GHOSH  
ADDRESS- BIJNI TOWN  
WARD NO-03  
PIN- 783390  
P.O AND P.S- BIJNI  
DIST- CHIRANG  
ASSAM  
AGE- 30 YEAR

21: RUMPA SAHA  
D/O- RANJIT SAHA  
ADDRESS- BASUGAON  
WARD NO-04  
P.OAND P.S- BASUGAON  
DIST- CHIRANG  
ASSAM  
PIN- 783372  
AGE- 30 YEARS

22: SHISHIR MANDAL  
S/O- LATE PABITRA MANDAL  
VILL- BASUGAON  
SUBHAS NAGAR  
W/NO-01  
P.O AND P.S- BASUGAON  
PIN- 783372  
AGE- 29 YEARS.  
DIST- CHIRANG  
ASSAM.

23: NIRUPAMA SAHARIA  
D/O- MADAN CH. SAHARIA  
VILL- UTTAR JAGALPARA  
P.O- PALAHGAR  
PIN- 784521  
DIST- UDALGURI  
AGE- 29 YEAR

24: NILAM SANJAB BORO  
S/O- SARU RAM BORO

VILL- TEZIALPARA  
P.O- BHAKATPARA  
DIST- UDALGURI  
PIN- 784190  
AGE- 35 YEARS

25: ABHIJIT DAS  
S/O- KRITIBASTI DAS  
VILL- NIZKALAIGAON  
P.O- KALAIGAON  
DIST- UDALGURI  
PIN- 784525  
AGE- 32 YEARS

26: MANOJ KUMAR SAHARIA  
S/O- BINAY SAHARIA  
VILL- BATAIMARI  
P.O- KALAIGAON  
DIST- UDALGURI  
PIN- 784525  
AGE- 34 YEARS

27: RAJIB BORO  
S/O- NABIN CH. BORO  
VILL- JENGERAJHAR  
P.O- DALANGGHAT  
DIST- UDALGURI  
PIN- 784528  
AGE- 32 YEARS

28: UJJWAL SARMA  
S/O- JYOTISH SARMA  
VILL- BIJAYGAON  
P.O- TILAKGAON  
DIST- CHIRANG  
PIN- 783372  
AGE- 32 YEARS

29: TUMPA BISWAS  
D/O- SUDHANGSHU BISWAS  
VILL- BASUGAON  
P.O- BASUGAON  
PIN- 783372  
DIST- CHIRANG  
AGE- 30 YEARS

30: KRISHNA ADHIKARY  
S/O- DWAIKA ADHIKARY

VILL- KASHIBARI  
P.O- SAKTI ASHRAM  
PIN- 783354  
DIST- KOKRAJHAR  
AGE- 31 YEARS

31: TILOKHAMA ROY  
D/O- SANTOSH KR. ROY  
VILL- SINGIMARI  
P.O- SAKTI ASHRAM  
DIST- KOKRAJHAR  
PIN-783354  
AGE- 31 YEARS

32: JAYA DEBNATH  
D/O- BROJENDRA DEBNATH  
VILL- MUKHIGAON  
P.O- SAKTI ASHRAM  
DIST- KOKRAJHAR. PIN- 783354  
AGE- 27 YEARS

33: JAYA RANI ROY  
S/O- JYOTISH CH. ROY  
VILL- KASHIBARI  
P.O- SAKTI ASHRAM  
DIST- KOKRAJHAR  
PIN- 783354  
AGE- 29 YEARS

34: PURABI ROY  
W/O- SAMIR KUMAR ROY  
VILL- MAHISHBATHAN  
P.O- PRATABKHATA  
PIN- 783337  
DIST- KOKRAJHAR  
AGE- 39 YEARS

35: DADHI RAM RAJBONGSHI  
S/O- LATE MOHENDRA RAJBONGSHI  
VILL- SILKIJAR  
P.O- SILKIJAR  
DIST- BAKSA  
AGE- 46 YEARS  
PIN-781343

36: TANMAY DEY SARKAR  
S/O- DILIP DEY SARKAR  
VILL- BHAURAGURI

P.O- NAGRIJULI  
PIN-781368  
DIST- BAKSHA  
AGE-31 YEARS

37: PULAK DEKA  
S/O- NARESWAR DEKA  
VILL- GAROGAON  
P.O- BARDANGERIKUCHI  
DIST- BAKSA  
PIN- 781366  
AGE- 39 YEARS

38: PURNIMA BHARALI  
S/O- DWIJEN BHARALI  
VILL- PATHARKUCHI  
P.O- DWARKUCHI  
PIN- 781376  
DIST- BAKSA  
AGE- 32 YEARS

39: NAMITA DAS  
D/O- KARUNA KANTA DAS  
VILL- BHAKATPARA  
PIN- 781367  
DIST-BAKSA  
AGE- 36 YEARS

40: DIPA DEVI  
D/O- DIBAKAR SARMA  
VILL- GURMOU  
P.O- GURMOU  
PIN-781366  
DIST- BAKSA  
AGE-39 YEARS

41: JURI MANI KAKATI  
D/O- DEBEN KAKATI  
VILL- SUTARGAON  
P.O- SUTARGAON  
DIST- KAMRUP  
PIN- 781381  
AGE- 36 YEARS

42: MUNINDRA DEKA  
S/O- LOHIT CH. DEKA  
VILL- GURMOU  
P.O- GURMOU

DIST-BAKSA  
PIN-781366  
AGE- 34 YEARS

43: MANNAN ALI  
S/O- MD. POHAR ALI  
VILL- NO.5 GORESWAR  
P.O- GORESWAR  
DIST- BAKSA  
PIN- 781366  
AGE- 33 YEARS

44: PARTH JIT BAISHYA  
S/O- SAMBARU DHAR BAISHYA  
VILL- LOKRABANAGAR  
P.O- BARDANGERIKUCHI  
DIST- BAKSA  
AGE- 39 YEARS  
PIN- 781366

45: JIBESWAR BEZBARUAH  
S/O- NABIN SHIL  
VILL- JABANGPAR  
P.O- NOWKATA  
DIST- BAKSA  
PIN-781366  
AGE-39 YEARS

46: RANJIT KUMAR DAS  
S/O- GATI RAM DAS  
VILL- BARPHUDKAN KHANT  
P.O- BETNA  
P.S- GORESWAR  
PIN- 781366  
DIST- BAKSA  
AGE- 41 YEARS

47: JONALI RAY  
D/O- LANKESWAR RAY  
VILL- CHAPAGURI NO.1  
P.O- CHAPAGURI  
DIST- CHIRANG  
PIN-783380  
AGE- 33 YEARS

48: BIMAL MANDAL  
S/O- AMULYA CH. MANDAL  
VILL- BASUGAON

SUBHASNAGAR  
P.O- BASUGAON  
PIN-783372  
DIST- CHIRANG  
AGE- 34 YEARS

49: NIPUN CHANDRA ROY  
S/O- LUKEN CHANDRA ROY  
VILL- MUKHIGAON  
P.O- SAKTI ASHRAM  
PIN- 783354  
DIST- KOKRAJHAR  
AGE- 36 YEARS

50: MAMPI MAZUMDER  
S/O- DULAL MAZUMDER  
VILL- BASUGAON  
KARMAKAR PARTY  
BASUGAON  
WARD NO-02  
PIN-783372  
P.O- BASUGAON  
DIST- CHIRANG  
AGE- 30 YEARS

51: MANTU KUMAR DAS  
S/O- SAILENDRA CHANDRA DAS  
VILL- HABIBHANGA  
P.S- KALAIGAON  
DIST- UDALGURI  
ASSAM  
PIN-784525  
AGE-42 YEARS

52: JURI BASUMATARY  
D/O- SANDHI RAM KACHARY  
VILL- TEZIALPARA  
P.O- BHAKATPARA  
P.S- KALAIGAON  
DIST- UDALGURI  
ASSAM  
PIN-784190  
AGE- 35 YEARS

53: MANOJ DAS  
S/O- LATE SANATAN DAS  
VILL- LABDANGURI  
P.S- GOBARDHANA

DIST- BAKSA  
PIN-781315  
AGE-37

54: RANJAN DEKA  
S/O- HARAKANTA DEKA  
VILL- NAHARBARI  
P.O- BHOLABARI  
PIN- 784525  
DIST- UDALGURI  
AGE-35 YEAR

VERSUS

1:THE STATE OF ASSAM AND 11 ORS.  
REP. BY COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,  
ELEMENTARY EDUCATION DEPTT. DISPUR, GHU-6

2:THE ADDITIONAL CHIEF SECRETARY  
TO THE GOVT. OF ASSAM  
DISPUR  
GUWAHATI-6

3:THE BTC  
REPRESENTED BY THE PRINCIPAL SECRETARY  
BTC  
KOKRAJHAR  
PIN- 783370.

4:THE SECRETARY  
BTC  
KOKRAJHAR. PIN-783370.

5:THE FINANCE DEPTT.  
REPRESENTED BY COMMISSIONER AND SECRETARY  
DISPUR  
GUWAHATI-06

6:THE FINANCE DEPTT.  
REPRESENTED BY THE PRINCIPAL SECRETARY  
DISPUR  
GUWAHATI-06

7:THE WPT AND BC DEPTT.  
REPRESENTED BY THE SECRETARY  
GOVERNMENT OF ASSAM  
DISPUR-06.

8:THE DEPUTY SECRETARY  
WPT AND BC DEPARTMENT  
GOVT. OF ASSAM  
DISPUR-06.

9:THE JOINT SECRETARY  
BTC  
KOKRAJHAR  
ASSAM  
PIN-783370.

10:THE ADDITIONAL PRINCIPAL SECRETARY  
BTC  
KOKRAJHAR  
ASSAM  
PIN-783370.

11:THE DIRECTOR OF EDUCATION  
BTC  
KOKRAJHAR  
ASSAM  
PIN-783370.

12:THE NATIONAL COUNCIL FOR TEACHER EDUCATION  
REPRESENTED BY THE CHAIRPERSON  
HANS BHWAN  
WING-II  
1 BAHADUR SHAH JAFAR MARG  
NEW DELHI-110002

**Advocate for the Petitioner** : MR P J DUTTA

**Advocate for the Respondent** : SC, FINANCE

**BEFORE**  
**HONOURABLE MR. JUSTICE N. KOTISWAR SINGH**

**ORDER**

**Date : 02-09-2019**

Heard Ms. G. Goswami, learned counsel assisted by Mr. B.P. Borah, learned counsel for the petitioners. Also heard Mr. N. Sarma, learned Standing Counsel for the Elementary Education Department as well as Mr. M. Khataniar, learned Standing Counsel for the BTC as

well as Mr. I. Alam, learned Standing Counsel for the NCTE and Mr. A. Phukan, learned Standing Counsel for the Finance Department.

2. Learned counsel for the petitioners claims that the petitioners were initially appointed by taking recourse to Rule 3(vi) of the Assam Elementary Education (Provincialisation) Service Conduct Rules, 1981. It has submitted that if any person has been appointed under the aforesaid rule, he would have a right to be considered for conformation subject to availability of permanent vacancy as provided under Rule 4 thereof.

3. It has been submitted that since the petitioners had been appointed under Rule 3(vi) of the aforesaid rules, they would be entitled to regularized under the Rule 4 and accordingly have sought for an interim order for directing the respondent authorities to reserve proportionate number of posts as and when the authorities seek to proceed for regular appointment.

4. Learned State respondents on the other hand, submits that the petitioners were not appointed under the aforesaid Rule 3(vi) but merely on contractual appointments.

5. In that view of the matter, list the matter again on 16.09.2019 for consideration of the interim relief sought by the petitioners.

**JUDGE**

**Comparing Assistant**