

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- HAKANTA 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 : 13-02-2020

Heard Mr. P.K. Goswami, learned Senior counsel, assisted by Mr. B.P. Borah, learned counsel for the petitioners in some of the writ petitions and Mr. D. Saikia, learned Senior Standing Counsel, Elementary Education Department, Government of Assam, assisted by Mr. R. Mazumdar, learned counsel for the State.

2. This group of petitions pertains to the claim by the petitioners for regularization of their services as Assistant Teachers. However, the proposed action initiated by the State for regular appointment by issuing advertisement has come in the way of their expectation for regularization. In that context, this Court had passed an interim order on 21.12.2018 in one of the related writ petitions, namely, WP(C) No.8824/2018 directing that as an interim measure, let proportionate number of posts as the number of petitioners in the Elementary Education (Upper Primary), Government of Assam be kept unfilled which may not be filled without leave of this Court. Similar interim orders have been passed in most of the writ petitions.

3. Learned Senior Standing Counsel, Elementary Education Department has submitted that because of these interim orders and also because of numerous writ petitions filed by various petitioners, the Government is not able to proceed with the recruitment process and accordingly has sought for vacating the aforesaid interim order dated 21.12.2018, in the event the matter is not taken up for hearing today.

4. Mr. Goswami, learned Senior counsel and some other counsel, prays that the matters be listed on 05.03.2020 and submits that the interim orders do not come in the way of the recruitment process which is said to have been initiated as what the interim orders provide is for reserving certain numbers of posts and, as such, there should not be any difficulty on the respondent-authorities to proceed with the recruitment process and accordingly it has been prayed that the matters may finally be heard on 05.03.2020 and submits that vacation of the interim orders may not be necessary at this stage.

5. Having heard learned counsel for the parties and on perusal of the interim orders, this Court is of the view that there is no bar on the part of the respondents to proceed with the recruitment process which has been already initiated. It may be noted that the recruitment process for appointment of 9000 teachers was initiated sometime in 2018 and the last date for filing of application was fixed on 11.02.2020.

6. Considering the fact that a large number of applicants might have applied for the said 9000 posts and since the recruitment process may take some time, this Court is of the view that since there is no embargo in the process initiated except for directing keeping certain

posts reserved, this Court is of the view that vacating the interim orders today may not be necessary, more so, when the writ petition, namely, WP(C) No.8824/2018 where the interim order was passed on 21.12.2018 is not listed today.

7. This Court has taken this view also for the reason that the interim orders directing reservation of posts will become relevant only when the State prepares the select list and proposes to issue appointment orders and it is only at that stage that the said interim orders can be said to cause certain impediment to the recruitment process already initiated.

8. The interim orders have not placed any embargo upon the State respondents to prepare the select list in terms of the advertisement challenged in these petitions but there are direction that appointment orders may not be issued in respect of proportionate number of posts in terms of the interim orders passed by this Court.

9. Accordingly, in terms of the interim orders, let proportionate number of posts as the number of petitioners in the Elementary Education (Upper Primary & Lower Primary), Government of Assam be kept unfilled which may not be filled without leave of this Court.

10. Let all the matters be listed for final hearing on 05.03.2020 along with WP(C) No.8824/2018, 4914/2019 and 8169/2019.

11. Registry will list all the similar matters on that day, which are not listed today, for which Mr. R. Mazumdar, learned counsel assisting Mr. D. Saikia, learned Senior Standing Counsel may furnish a list to the Registry.

JUDGE

Comparing Assistant