

GAHC010194852020



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

Case No. : WP(C)/487/2021

TARUN SAIKIA AND 75 ORS
S/O-LAKHAN SAIKIA,
R/O-VILL. AND P.O-LAHOLOAL,
DISTRICT-LAKHIMPUR, ASSAM.

2: SRI NARAYAN GOSWAMI
S/O-LATE TILAK GOSWAMI
R/O-NO.2 JAKAIPLOWA
P.O-RAJBARI
DISTRICT-LAKHIMPUR
ASSAM.

3: SRI DHIREN CHEKANIDHARA
S/O-LATE UMARAM CHEKANIDHARA

R/O-MODERGURI
P.O -BORBALI
DISTRICT-LAKHIMPUR
ASSAM.

4: SRI HARICHARAN BHUYAN
S/O-LATE BHUBAN CH. BHUYAN

R/O-NATUN KAMALABARI SATRA

P.O-KAMALABARI

DISTRICT-MAJULI
ASSAM.

5: NILAMONI BORA
S/O-RAMANANDA BORA

R/O-JALUKBARI

P.O-MORITUNI

DISTRICT-MAJULI
ASSAM

6: JUGANTA GOGOI
S/O-BODHESWAR GOGOI

R/O-NAKARI

P.O-NORTH LAKHIMPUR

DISTRICT-LAKHIMPUR
ASSAM.

7: DEIJIRANI GOGOI
D/O-BHOLANATH GOGOI

R/O-KATHARBARI

P.O -DHAKUAKHANA

DISTRICT-LAKHIMPUR
ASSAM.

8: DEBASHRI GOHAIN
D/O-GOLUK GOHAIN

R/O-BHATI JALVARI

P.O-JALVARI

DISTRICT-LAKHIMPUR
ASSAM.

9: PRITAM BURA GOHAIN
S/O-GOLUK GOHAIN

R/O-DIGHALAGAON

P.O- DHAKUAKHANA

DISTRICT-LAKHIMPUR
ASSAM.

10: PARULMONI PANYENG
D/O-MANIK PANYENG

R/O-CHOWRAKIYA

P.O -DHAKUAKHANA

DISTRICT-LAKHIMPUR
ASSAM.

11: RASHMIREKHA PANYENG
S/O-MUHIRAM PANYENG

R/O- AYENGIA BORGAON

P.O-MOHAL BEBEJA

DISTRICT-LAKHIMPUR
ASSAM.

12: HIMADRI CHETIA
S/O- BHOLANATH CHETIA

R/O-KHAJUA

P.O-JALVARI

DISTRICT-LAKHIMPUR
ASSAM.

13: ATUL PEGU
S/O-CHANDIRAM PEGU

R/O-MOAMARI

P.O - BAHPARA

DISTRICT-LAKHIMPUR
ASSAM.

14: RUBI CHETIA
S/O-BHULANATH CHETIA

R/O-KHAJUA

P.O - JALVARI

DISTRICT-LAKHIMPUR
ASSAM.

15: SRI NITUL BORA
S/O-LATE NANDA BORA

R/O-DULIAGAON

P.O -DHAKUAKHANA

DISTRICT-LAKHIMPUR
ASSAM.

16: TRISHNA BORPHUKAN
D/O-ANIMA CHETIA

R/O-KHAJUA

P.O -DHAKUAKHANA

DISTRICT-LAKHIMPUR
ASSAM.

17: MOHAN LAGACHU
S/O-MUHI LAGACHU

R/O-BHUMA LAGACHU

P.O -KANAGKAN CHAPORI

DISTRICT-LAKHIMPUR
ASSAM.

18: RENU BORA
D/O-CHATAI BORA

R/O-NO.2 BATAMARI

P.O-BATAMARI

DISTRICT-LAKHIMPUR
ASSAM.

19: BIJOYA GOGOI
D/O-LATE BHUGESWAR GOGOI

R/O-NO.1 GHILAMORA

P.O -GHILAMORA

DISTRICT-LAKHIMPUR

ASSAM.

20: LALIT KONWAR
S/O-BHOGESWAR KONWAR

R/O-KONWARGAON

P.O -MOIDOMIA

DISTRICT-LAKHIMPUR
ASSAM.

21: SANGITA DUTTA BORUAH
S/O-LATE BENIMADHAB DUTTA

R/O- MOIDOMIA

P.O- MOIDOMIA

DISTRICT-LAKHIMPUR
ASSAM.

22: MRIDULA SAIKIA BORA
D/O-LATE NARA KANTA SAIKIA

R/O-THAKURBARI

P.O-NORTH LAKHIMPUR

DISTRICT-LAKHIMPUR
ASSAM.

23: JAYANTA RAJKHOWA
S/O-LATE BISWESWAR RAJKHOWA

R/O-PILKHANA

P.O -PADUMONI

DISTRICT-LAKHIMPUR
ASSAM.

24: GITANJALI BHUYAN
S/O- LATE KHAGESWAR BHUYAN

R/O-MILAN NAGAR

P.O-NORTH LAKHIMPUR

DISTRICT-LAKHIMPUR
ASSAM.

25: PRASANTA GOGOI
S/O- LATE NABIN CH. GOGOI

R/O-GHILAMORA

P.O - GHILAMORA

DISTRICT-LAKHIMPUR
ASSAM.

26: SABITA DOLEY
D/O-SONADHAN DOLEY

R/O-NAYABAZAR

P.O -RATANPUR MIRI

DISTRICT-MAJULI
ASSAM.

27: PULIN PEGU
S/O-CHERENAI PEGU

R/O-NAMANI CHEREPAI

P.O-JENGRAIMUKH

DISTRICT-MAJULI
ASSAM.

28: DIPLI GOGOI KONWAR
D/O-PUNYA GOGOI

R/O-CHAKLIVARIA

P.O - SABOTI

DISTRICT-LAKHIMPUR
ASSAM.

29: LAKHINATH BORUAH
S/O-LATE HARENDRA NATH BORUAH

R/O-RONGPURIA

P.O-PHULBARI BOKANODI

DISTRICT-LAKHIMPUR
ASSAM.

30: ANUPAM KINGKAR BORA
S/O-MAHENDRA KINGKAR BORA

R/O-NAKARI
WARD NO.2

P.O -NORTH LAKHIMPUR

DISTRICT-LAKHIMPUR
ASSAM.

31: DHRUBAJYOTI HAZARIKA
S/O-GIRIN HAZARIKA

R/O-MAZARBARI

P.O -POTIA

DISTRICT-MAJULI
ASSAM.

32: MANUJ DUTTA
S/O-LATE NARAYAN DUTTA

R/O-LACHAIGAON

P.O-NARAGAON

DISTRICT-LAKHIMPUR
ASSAM.

33: DIGANTA BORA
S/O-BRAJEN BORA

R/O-JAGUNDHARI

P.O -AUNIATI

DISTRICT-MAJULI
ASSAM.

34: DIPA MAHANTA

D/O-DEBEN MAHANTA

R/O-DAKUA

P.O-DHALPUR

DISTRICT-LAKHIMPUR
ASSAM.

35: RINKU BORA
S/O-DHARMESWAR BORA

R/O-NARAYANPUR WARD NO.3

P.O -DIKRONG

DISTRICT-LAKHIMPUR
ASSAM.

36: PRASANTA BORA
S/O- BUDHIN BORA

R/O-PANBARI

P.O -PANBARI

DISTRICT-LAKHIMPUR
ASSAM.

37: PARTHA SARATHI GOGOI
S/O-PABITRA GOGOI

R/O-SONARI SARING SHAK

P.O - SONARI SARING SHAK

DISTRICT-LAKHIMPUR
ASSAM.

38: SAHABUDDIN AHMED
S/O-MAJIBUR RAHMAN

R/O-DHARAMPUR

P.O -DHARAMPUR

DISTRICT-LAKHIMPUR
ASSAM.

39: BADAN GOGOI
S/O-MADAN GOGOI

R/O-LATHAU

P.O - LATHAU

DISTRICT-LAKHIMPUR
ASSAM.

40: SIRUMONI GOGOI
S/O-INDRESWAR GOGOI

R/O-BORGOHAIN GAON

P.O -JAPISAJIYA

DISTRICT-LAKHIMPUR
ASSAM.

41: NIVARANI BORUAH
D/O-DHARMESWAR BORUAH

R/O-BORBALI

P.O - BORBALI

DISTRICT-LAKHIMPUR
ASSAM.

42: TRALUKYA DOWARAH
S/O-RATNESWAR DOWARAH

R/O-KATHABARI

P.O -DHAKUAKHANA

DISTRICT-LAKHIMPUR
ASSAM.

43: DITUL DOWARAH
S/O-RATNESWAR DOWARAH

R/O-KATHABARI

P.O -DHAKUAKHANA

DISTRICT-LAKHIMPUR
ASSAM.

44: RUPA HAZARIKA
S/O-LATE BIJOY HAZARIKA

R/O-NO.1 GHILAMORA

P.O- GHILAMORA

DISTRICT-LAKHIMPUR
ASSAM.

45: GITANJALI BORUAH
D/O- CHENIRAM BORUAH

R/O-NAKURBARI

P.O-NOWBOICHA

DISTRICT-LAKHIMPUR
ASSAM.

46: GUBIN SAIKIA
S/O- LATE PADMADHAR SAIKIA

R/O-JAIPUR PICHALA

P.O -BHUGPUR

DISTRICT-LAKHIMPUR
ASSAM.

47: KUMUD BHUYAN
S/O-DULAL BHUYAN

R/O-GOSAIBARI

P.O - GOSAIBARI

DISTRICT-LAKHIMPUR
ASSAM.

48: JUGAL BHUYAN
S/O-DULAL BHUYAN

R/O-GOSAIBARI

P.O - GOSAIBARI

DISTRICT-LAKHIMPUR
ASSAM.

49: DIP KUMAR SAIKIA
S/O- NIREN SAIKIA

R/O-NO.2 HARMUTY

P.O - DULIAPATHER

DISTRICT-LAKHIMPUR
ASSAM

50: PRFULLA BORUAH
S/O-KESA KANTA BORUAH

R/O-KAMARGAON

P.O - KAMARGAON

DISTRICT-MAJULI
ASSAM.

51: PRANAB SAIKIA
S/O-MAHEN CHANDRA SAIKIA

R/O-KOTHAMIA GAON

P.O-MAJULI

DISTRICT-MAJULI
ASSAM.

52: EVA TAMULI
D/O-RAMA KANTA HAZARIKA

R/O-BORTANI

P.O - BORTANI

DISTRICT-MAJULI
ASSAM.

53: ACHINTA KALITA
S/O- ROHIT CHANDRA KALITA

R/O-DAKHINPAT

P.O - DAKHINPAT SATRA

DISTRICT-MAJULI
ASSAM.

54: JURITI SAIKIA
D/O-NAREN KALITA

R/O-JAMUGURI

P.O -JAPJUP

DISTRICT-LAKHIMPUR
ASSAM.

55: LAKHYADA SONOWAL
S/O-DHARMESWAR SONOWAL

R/O-GAGALDUBI

P.O - BOGINADI

DISTRICT-LAKHIMPUR
ASSAM

56: DIJEN SAIKIA
S/O-PADMESWAR SAIKIA

R/O-SAUKUSHI

P.O -DIKRONG

DISTRICT-LAKHIMPUR
ASSAM.

57: RAJASHREE SAIKIA
S/O- DITUL SAIKIA

R/O-SAUKUSHI

P.O -BHELAIMORA

DISTRICT-LAKHIMPUR
ASSAM.

58: SANJIB RAJKHOWA

S/O-SUREN RAJKHOWA

R/O-SRIBHUYAN

P.O -LETEKUPUKHURI

DISTRICT-LAKHIMPUR
ASSAM

59: JYOTIKA DUTTA
D/O-BHETARAM DUTTA

R/O-CHOWDHAPUNIA

P.O - CHOWDHAPUNIA

DISTRICT-LAKHIMPUR
ASSAM.

60: MUNINDRA BORA
S/O-MUHIDHAR BORA

R/O-PORABIL

P.O -LETEKUPUKHURI

DISTRICT-LAKHIMPUR
ASSAM.

61: KHIROD BORA
S/O-BODHESWAR BORA

R/O-RANGAJAN

P.O -LETEKUPUKHURI

DISTRICT-LAKHIMPUR
ASSAM.

62: BHABEN HAZARIKA
S/O-GOLAP HAZARIKA

R/O-PATHALIPAHAR

P.O - PATHALIPAHAR

DISTRICT-LAKHIMPUR
ASSAM.

63: JONALI BORA
D/O-MUHIDHAR BORA

R/O-PORABIL

P.O -LETEKUPUKHURI

DISTRICT-LAKHIMPUR
ASSAM.

64: MAHESWAR BORUAH
S/O- LATE KHIRESWAR BORUAH

R/O-RANGAJAN

P.O - LETEKUPUKHURI

DISTRICT-LAKHIMPUR
ASSAM.

65: NITYANANDA SAIKIA
S/O-LATE TOKHESWAR SAIKIA

R/O-BELAGURI

P.O-JARABARI

DISTRICT-LAKHIMPUR
ASSAM.

66: DEBEN CH. BHUYAN
S/O-BHOLA BHUYAN

R/O-NATUN KAMALABARI SATRA

P.O -KAMALABARI

DISTRICT-MAJULI
ASSAM.

67: JONALI DUTTA
S/O-LATE GHANASYAM DUTTA

R/O-NAKARI

P.O -NORTH LAKHIMPUR

DISTRICT-LAKHIMPUR
ASSAM.

68: NIRMAL HAZARIKA
S/O-LATE BIJOY HAZARIKA

R/O-GHILAMORA

P.O - GHILAMORA

DISTRICT-DHEMAJI
ASSAM.

69: MADHUSMITA BORA
S/O- PHULESWAR BORA

R/O-WARD NO.6
NORTH LAKHIMPUR

P.O - NORTH LAKHIMPUR

DISTRICT-LAKHIMPUR
ASSAM.

70: DULU KUMAR GOGOI
S/O- LATE CHANDRA NATH GOGOI

R/O-NAKARI
WARD NO.-2

P.O - NORTH LAKHIMPUR

DISTRICT- LAKHIMPUR
ASSAM.

71: CHAYANIKA GOHAIN BORA
D/O-LAKHIRAM BORAH

R/O-PADMAPUR

P.O - PADMAPUR

DISTRICT-LAKHIMPUR
ASSAM.

72: PABITRA MORANG
S/O- LATE POHAR MORANG

R/O-BAMUNDOLONI

P.O -PAHUMARA

DISTRICT-LAKHIMPUR
ASSAM.

73: MUKUNDA MADHAB DAS
S/O-PUNYESWAR DAS

R/O-GHARMORA

P.O - GHARMORA

DISTRICT-LAKHIMPUR
ASSAM.

74: TRIBENI GOSWAMI
S/O- KIRTI GOSWAMI

R/O-BHOGPUR

P.O - BHOGPUR

DISTRICT-LAKHIMPUR
ASSAM.

75: DILIP SAIKIA
S/O-BISHNURAM SAIKIA

R/O-NO.2 JARABARI

P.O -JARABARI

DISTRICT-LAKHIMPUR
ASSAM.

76: CHANDRA SONOWAL
S/O-SONARAM SONOWAL

R/O-MARICHA PATHAR

P.O -BIHPURIA

DISTRICT-LAKHIMPUR
ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, EDUCATION
DEPTT. (SECONDARY), SACHIVALAYA, DISPUR, GUWAHATI-781006,
ASSAM.

2:THE ADDL. CHIEF SECRETARY
TO THE GOVT. OF ASSAM
SECONDARY EDUCATION DEPTT.
SACHIVALAYA
DISPUR
GUWAHATI-781006
ASSAM.

3:THE DIRECTOR OF SECONDARY EDUCATION

ASSAM
KAHILIPARA
GUWAHATI-781019

Advocate for the Petitioner : MR. B D GOSWAMI

Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

ORDER

Date : 22/02/2021

Heard Mr. B.D. Goswami, learned counsel for the petitioner. Also heard Mr. R. Mazumder, learned counsel for the Secondary Education Department.

Issue notice, returnable in 4 (four) weeks. Extra copies be furnished within three days.

The petitioners herein are all music teachers having undertaken the qualification in music from the Bhatkhande Sangeet Vidyapith. The Bhatkhande Sangeet Vidyapith is neither a deemed university nor it is an authority under the educational system to grant any certificate in music. But at the same time, we also cannot ignore the fact that the school of music to which the Bhatkhande Sangeet Vidyapith belongs to is of a very high order and in the world of classical music it is recognized to be an authority of music and the students who undertake the courses are also accepted to be students of music of very high order.

These petitioners are all the music teachers who had their music qualification from the Bhatkhande Sangeet Vidyapith. But they are facing an obstacle for the purpose of their provincialisation/regularization to the extent that the education department recognizes the music degree only from a recognized institute. But at the same time, Mr. B.D. Goswami, learned counsel for the petitioner raises a contention that unlike any other formal education, an education in music would have to be looked from a different point of view and if a classification is brought in between music teachers who had the qualification from the Bhatkhande Sangeet Vidyapith and those others who had their formal education from a recognized institute or from the university and keeping in mind the point of view that the music courses imparted under the Bhatkhande Sangeet Vidyapith is of a very high order, it would amount to a classification being brought in without there being any nexus with the object to be achieved, meaning thereby that it would be a violation of Article 14.

The respondents to file their affidavit on the aforesaid aspect. The affidavit be filed within 4 (four) weeks.

List after four weeks.

JUDGE

Comparing Assistant