

GAHC010199732025



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

Case No. : WP(C)/5366/2025

DORATHI PHUKAN AND ORS
W/O NAVAKAMAL SONOWAL VILL KAKODUNGA MUKTINAGAR
RAIDANGJURI PO RAIDANGJURI PS BORHOLLA DIST JORHAT PIN 785631
TET ROLL NO. 302041

2: SIMPI NATH
D/O DIMBESWAR NATH VILL BALICHAPARI NATH GAON PO MADHUPUR
PS GARAMUR DIST MAJULI PIN 785104 TET ROLL NO. 302210

3: RIMJIM BORAH
D/O PROMOD BORAH VILL SOLAGURI PO SOLAGURI PS JAMUGURIHAT
DIST SONITPUR PIN 784180 TET ROLL NO. 902923

4: TRISHNA GOGOI
D/O LT TARUN GOGOI VILL CHANG CHAKI PO DAKHIN CHANGCHAKI PS
KAMRUP DIST NAGAON PIN 782426 TET ROLL NO. 509580

5: PARAG JYOTI GOGOI
S/O BAKUL GOGOI VILL KACHARIGAON KATHIATOLI PO KATHIATOLI PS
KAMRUP DIST NAGAON PIN 782427 TET ROLL NO. 400829

6: NIRMALI GOGOI
D/O BIREN GOGOI VILL WARD NO. 5 BORGHAIN GAON PO AND PS
NORTH LAKHIMPUR DIST LAKHIMPUR PIN 787001 TET ROLL NO. 701568

7: NIHARIKA CHOUDHURY
D/O SASHADHAR CHOUDHURY VILL ATHGAON PO HINGULEE PS
KAMALPUR DIST KAMRUP RURAL PN 781380 TET ROLL NO. 401231

8: IRIN CHUTIA
D/O LT SARBANANDA CHUTIA VILL AND PO SISSIBORGAON PS
SILAPATHAR DIST DHEMAJI PIN 787110 TET ROLL NO. 20215

VERSUS

THE STATE OF ASSAM AND ORS
REP BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
EDUCATION DEPTT SECONDARY DISPUR GUWAHATI 6

2:THE SECRETARY
TO THE GOVT OF ASSAM EDUCATION DEPTT SECONDARY DISPUR
GUWAHATI 781006

3:THE DIRECTOR OF SECONDARY EDUCATION
KAHILIPARA GUWAHATI 78101

Advocate for the Petitioner : MR S BORTHAKUR, MR. D GOGOI

Advocate for the Respondent : SC, SEC. EDU.,

Linked Case : WP(C)/5370/2025

GAYATRI BORPATRA AND ORS
D/O- AKHIL BORPATRA
VILL/ TOWN- GUWAHATI
BELTOLA
P.O- BELTOLA
P.S.- HATIGAON
DIST- KAMRUP(M)
ASSAM
PIN- 781028.
TET ROLL NO 501346

2: SAROJINI BARUAH
AGE- 36
D/O- LATE GAJEN BARUAH
VILL/ TOWN- GUWAHATI
BELTOLA
P.O- BELTOLA
P.S.- HATIGAON
DIST- KAMRUP(M)
ASSAM
PIN- 781028
TET ROLL NO- 504333.

3: RITIMA BARUAH
AGE-25

D/O- DILIP BARUAH
VILL/ TOWN- GHAGUA
P.O- DIGARU
P.S.- SONAPUR
DIST- KAMRUP(M)
ASSAM
PIN- 782401

4: JULIANA AHMED
AGE- 36
D/O- AFTABUDDIN AHMED
VILL/ TOWN- GUWAHATI
P.O- SILPHUKURI
P.S.- CHANDMARI
DIST- KAMRUP(M)
ASSAM
PIN- 781003
TET ROLL NO- 507817.

5: BORNALI ROY
AGE-29
D/O- SUSHIL CH. ROY
VILL/ TOWN- PADMABIL
P.O- GOSSAIGAON
P.S.- GOSSAIGAON
DIST- KOKRAJHAR
ASSAM
PIN- 783360
TET ROLL NO- 600356

6: BEGUM TASLIMA YASMIN
AGE- 31
D/O- HAZRAT ALI TALUKDAR
VILL/ TOWN- SINGIMARI PT-I
P.O- TISTARPAR
P.S.- DHUBRI
DIST- DHUBRI
ASSAM
PIN- 783324
TET ROLL NO- 600271

7: SIMANTA GOGOI
AGE-32
S/O- SUBUDH GOGOI
VILL/ TOWN- BIHUBOR
P.O- BIHUBOR
P.S.- BIHUBOR
DIST- SIVASAGAR

ASSAM
PIN- 785687
TET ROLL NO- 201886

8: PUJA SHARMA
AGE-29
D/O- LATE RUDAL SHARMA
VILL/ TOWN- BARAPUJIA
NIZMIKARGAON
P.O- BARAPUJIA
P.S.- MIKIRBHETA
DIST- MORIGAON
ASSAM
PIN- 782103
TET ROLL NO- 503644

9: RUMI GOGOI
AGE- 25
D/O- MR. BIMAL GOGOI
VILL/ TOWN- NO2 PAHUKHUWA
P.O- MACHKHOWA
P.S.- DHEMAJI
DIST- DHEMAJI
ASSAM
PIN- 787057
TET ROLL NO- 202624

10: MD YEAHYEA ALOM
AGE- 26
S/O- MD SIRAJ UDDIN
VILL/ TOWN- UTTAR BADEJAMA
P.O- BARAIGRAM
P.S.- PATHARKANDI
DIST- SRIBHUMI (KARIMGANJ)
ASSAM
PIN- 788723
TET ROLL NO- 103489.

11: HIRAK JYOTI SAIKIA
AGE-26
S/O- MRIDUL KR. SAIKIA
VILL/ TOWN- MAJARATI
P.O- MAJARATI
P.S.- SADAR
DIST-NAGAON
ASSAM
PIN- 782002
TET ROLL NO- 903373.

12: ARIFUL ISLAM

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AGE- 26
S/O- GAMIRUDDIN AHMED
VILL/ TOWN- RANGIA WARD NO.10
P.O- RANGIA
P.S.- RANGIA
DIST-KAMRUP
ASSAM
PIN- 781354
TET ROLL NO- 801922.

13: PINKI BARMAN

AGE- 28
D/O- ARJUN CH. BARMAN
VILL/ TOWN- AMGURI
P.O- NORTH BOITAMARI
P.S.- ABHAYAPURI
DIST-BONGAIGAON
ASSAM
PIN- 783380
TET ROLL NO- 601299

14: SRUTIMA BHARALI

AGE- 28
D/O- DILIP BHARALI
VILL/ TOWN- ISSAPURHATI
BARPETA
P.O- BARPETA
P.S.- BARPETA
DIST-BARPETA
ASSAM
PIN- 781301
TET ROLL NO- 801695.

15: SUSHMITA GOGOI

AGE- 28
D/O- DILIP KR GOGOI
VILL/ TOWN- LONGPOTIA
P.O- LONGPOTIA
P.S.- SONARI
DIST-CHARAIDEO
ASSAM
PIN- 785692
TET ROLL NO- 201430.

16: BIKASHITA GOGOI

AGE- 27
D/O- BOLIN GOGOI
VILL/ TOWN- JUTULONI GAON
P.O- LONGPOTIA
P.S.- SONARI
DIST-CHARAIDEO
ASSAM

PIN- 785692
TET ROLL NO- 202019

17: NANDITA DAS
AGE- 28
D/O- KALYAN KR. DAS
VILL/ TOWN- MOUTUPURI
P.O- HOWLY
P.S.- HOWLY
DIST-BARPETA
ASSAM
PIN- 781316
TET ROLL NO- 801076.

18: MD YASIN ALI
AGE- 35
S/O- HUSSAIN ALI
VILL/ TOWN- LAOGAON
SOLMARI
P.O- SOLMARI
P.S.- SADAR
DIST-NAGAON
ASSAM
PIN- 782002
TET ROLL NO- 903530.

19: MERI DUTTA
AGE- 28
D/O- DHIREN DUTTA
VILL/ TOWN- DAHUDI
P.O- SOLMARA
P.S.- BELSOR
DIST-NALBARI
ASSAM
PIN- 781338
TET ROLL NO- 803292.

20: MAMPI BASAK
AGE-29
D/O- GANESH BASAK

VILL/ TOWN- DAKUAPARA
P.O- BOKO
P.S.- BOKO
DIST- KAMRUP(R)
ASSAM
PIN- 781123
TET ROLL NO- 400298

21: SAJAHAN ALI

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AGE- 28
S/O- MALEK ALI
VILL/ TOWN- TALOWA GAON
P.O- SRINAGAR
P.S.- TAMARHAT
DIST- DHUBRI
ASSAM
PIN- 783332
TET ROLL NO- 605514.

22: TUTUMONI DUWARI

AGE- 27
D/O- JOGASAWER DUWARI
VILL/ TOWN- DICHAW GAON
CHARAIDEO
P.O- DICHAW- BOTUA
P.S.- MORANHAT
DIST- CHARAIDEO
ASSAM
PIN- 785670
TET ROLL NO- 504943.

23: SIMI AKHTARA

AGE- 28
D/O- AZIZUL HAQUE
VILL/ TOWN- MADULIJHAR
P.O- CHAKCHAKA BAZAR
P.S.- SORBHOG
DIST- BARPETA
ASSAM
PIN- 781317
TET ROLL NO- 504540.

24: MARUFATUL AZIZ AKAND

AGE- 24
D/O- MD ABDUL AZIZ AKAND
VILL/ TOWN- POKALAGI
P.O- KAMANDANGA

P.S.- TAMARHAT
DIST- DHUBRI
ASSAM
PIN- 783332
TET ROLL NO- 603817.

25: MINAL HUDA
AGE- 29
S/O- EUSOB ALI
VILL/ TOWN- SUTARPARA CHAR
P.O- SUTARPARA
P.S.- MATIA
DIST- GOALPARA
ASSAM
PIN- 783125
TET ROLL NO- 506062.

26: RAJASHREE BORAH
AGED ABOUT 28 YEARS
C/O- SURAJIT SAIKIA
R/O- BAREGHAR BHAKAT GAON
P.O.- BONAI
P.S.- TEOK
DIST- JORHAT
ASSAM
PIN- 785683
TET ROLL NO. 301066
VERSUS

THE STATE OF ASSAM AND ORS
REP BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
EDUCATION DEPTT SECONDARY DISPUR GUWAHATI 6

2:THE SECRETARY
TO THE GOVT OF ASSAM
EDUCATION DEPARTMENT (SECONDARY) DISPUR
GUWAHATI 781006

3:THE DIRECOTR OF SECONDARY EDUCATION
KAHILIPARA GUWAHATI 19

Advocate for : MR. D GOGOI
Advocate for : SC
SEC. EDU. appearing for THE STATE OF ASSAM AND ORS

BEFORE

HONOURABLE MR. JUSTICE RAJESH MAZUMDAR

ORDER

Date : 03.02.2026

Heard Mr. S Borthakur, learned counsel appearing for the writ petitioners. These cases are related to the advertisement issued on 26.12.2023, with regard to 7249 vacant posts of Graduate Teachers in different provincialised secondary schools in the Directorate of Secondary Education Assam. The advertisement regarding the filling up to 205 vacant posts of Graduate Teachers in different Government secondary schools under the same Directorate is also involved in this litigation.

Both the advertisements had common Criteria for Selection of Graduate Teacher (Arts, Science, Hindi and Sanskrit):

(a) Teachers Eligibility Test cum Recruitment Test:

140 marks in the following paper:-

The paper shall be of 140 marks (Pedagogy – 50 marks; About Assam and its People- 50 marks; General English – 30 marks; General Studies and Current Affairs – 10 marks).

(b) NCC/ Sports/ Fine Arts and Cultural Activities:

(i) 5 marks for NCC Certificates (5 marks for “C” Certificate and 3 marks for “B” Certificate)

Or

5 marks for participation in recognized sports at National Level representing Assam

Or

5 marks for achievements in Fine Arts and Cultural Activities representing the State officially at National Level.

(ii) Candidates who have passed the earlier High School TET and not been appointment till date shall get weightage @5% of the marks secured in the TET or maximum 5 marks for selection as a Graduate Teacher.

(c) During the Advertisement the candidates shall apply in the particular stream in case of Graduate Teacher.

(d) There shall be one common question paper for all vacancies irrespective of streams, i.e.

Arts, Science, Commerce, Hindi etc. for Graduate Teacher recruitment.

- (e) The number of qualified candidates in the TET cum Recruitment Test shall be in the ratio of 1:1 of the vacancies advertised.
- (f) In case, any post remains vacant after publication of the first Merit List as per the ratio 1 : 1, then maximum 2 (two) more numbers of Merit List will be published.
- (g) There shall be separate Merit List stream-wise (Arts/Science/ Hindi/ Sanskrit) in case of Graduate Teacher.
- (h) The Merit List shall be prepared in the manner as proposed below:-
- (i) The marks secured in the TET cum Recruitment Test by the candidates of a particular stream, for instance Science Stream, shall be filtered out from the main list into a separate merit list of Science Stream. Similar process shall be adopted for all other streams.

The learned counsel for the petitioners has submitted that the criteria for selection had made it explicit that in case any posts remains vacant after publication of the first Merit List as per the ratio of 1 :1, then maximum 2 more numbers of merit list will be published.

It was also stipulated that there will be separate merit list stream-wise in case of Graduate Teacher. The manner of preparing the merit has also been given at Clause-H giving an example that Science stream teachers the candidates shall be filtered out from the main list into a separate merit list Science stream and similar process would be adopted for all the other streams.

The learned counsel for the petitioner has submitted that although no merit list has been made public till date, the petitioners were expecting the consideration for appointment since they had been called up to the stage of the documents verification process.

In the affidavit-in-opposition file in WP(C) 5366 of 2025, the respondents have not stated as to whether any merit list stream-wise had been prepared/published.

The affidavit has only stressed upon the discretion vested upon the respondent authorities to cancel a candidature of the candidate in case the said candidate found to be ineligible.

We have noticed that there is no affidavit file in WP(C) 5370 of 2025 which raises similar grievance as raised in WP(C) NO.5366 of 2025. After some deliberation in the matter it is dealt appropriate by the Court to direct the respondent authorities to file an affidavit in WP(C)5370/2025 specifically mentioning as to whether separate merit list stream-wise (Arts/Science/Hindi/Sanskrit) had

been prepared prior to offering appointment to candidates who found eligible and meritorious, whether such merit list have been published in any manner provided by the Assam Secondary Education (provincialised schools) Rules, 2018 or the Assam Secondary Education (Government Schools) service Rules, 2020.

The respondents are also required answer the other assertions made in the writ petition. The affidavits by the respondent authority were filed on before 13th February, 2026, the petitioner are to be filed their response to the said affidavits on or before 18th of February, 2026.

List this matter again on 24th of February, 2026.

It is made clear that the respondents are expected to make clear their stand in the affidavit-in-opposition proposed to be filed, and in case material facts are not disclosed, this Court would be constrained to draw adverse inferences.

The respondents shall also clarify as to whether any second and third merit list was prepared as stipulated in the advertisement and if not, the reasons therefor.

JUDGE

Comparing Assistant