

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 NAVA KAMAL 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.,

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER**

15.09.2025

Heard Mr. S. Borthakur, learned counsel for the petitioners and Mr. D. Saikia, learned Advocate General of Assam assisted by Mr. S.M.T. Chistie, learned standing counsel of Secondary Education Department for all the respondents.

2. In this petition, under Article 226 of the Constitution of India, the petitioners have prayed for :-

- (i) Issuing direction to the respondent authorities to publish the reject list of candidates showing the grounds after each stage of verification;
- (ii) Issuing direction to the respondent authorities to eliminate those candidates, whose names appear in two different subjects and to call new candidates for documents verification in their places;

- (iii) Issuing direction to the respondent authorities to upgrade the present petitioners or OBC candidates, who have secured more marks or equivalent to the unreserved category; and
- (iv) Issuing direction to the respondent authorities to fill up the remaining 1352 posts.

3. Mr. Borthakur, learned counsel for the petitioners submits that pursuant to an Advertisement dated 26.12.2023, issued by the Director of Secondary Education Department, the present petitioners had applied for appearing in the Teachers Eligibility Test (TET) cum Recruitment Test, for the post of Graduate Teachers (Arts) in Assamese Medium. Thereafter, on 19.01.2025, they along with others had appeared in the TET Examination and on 23.06.2025, the result was declared. But, the present petitioners did not qualify in the first list.

3.1. Further submission of Mr. Borthakur is that in the Advertisement, it was clearly stated about preparing stream wise separate merit list (Arts/Science/Hindi/Sanskrit) for Graduate Teachers. But, subsequently, a SOP dated 27.05.2025, was issued, wherein it is stated that after completion of the verification process, the Zonal Inspector of Schools will prepare a list of candidates who have been rejected showing the grounds of rejection against each rejected candidates.

3.2. Mr. Borthakur further submits that though a specific provision was made in the SOP dated 27.05.2025, yet in the instant case, during verification process, numbers of candidates were rejected for various reasons, like (a) not having qualification criteria on the last date of application; (b) for submitting false certificate, etc., and against such rejection, till date no list has been published by the authority. Being aggrieved by such action on the part of the respondent

authorities, the petitioners have preferred this writ petition with the above mentioned reliefs.

4. Per-contra, Mr. Saikia, learned Advocate General of Assam, appearing for all the respondents, submits that the reliefs claimed in this petition are not clear and that the petitioners have no locus to file this present petition, which is obviously not a public interest litigation and that as per the instructions received by him, applications of some of the petitioners have already been rejected and individual letters have been issued to them by showing the grounds of rejection and that this writ petition is filed with malafide intention to halt the entire selection process. Under such circumstances, Mr. Saikia submits that this petition may be dismissed in limine without issuing notice.

5. The submissions, so advanced by learned counsel for both the parties, need further consideration.

6. At this stage, notice be issued to the respondents, within a week from today, returnable in 2 weeks. As learned Advocate General of Assam has appeared and accepted notice on behalf of all the State respondents, no formal notice is required to be issued. However, extra requisite copy of the petition be furnished to him during the course of the day.

7. List the matter after 2 (two) weeks.

8. In the meantime, the instructions so received by learned Advocate General of Assam, shall be brought on record by filing an affidavit-in-opposition.

JUDGE

Comparing Assistant