

GAHC010201082025



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

Case No. : WP(C)/5339/2025

SURENDRA PRASAD GUPTA AND 6 ORS.
S/O LATE BINDHYACHAL PRASAD GUPTA, R/O N.S.C.B HOJAI, WARD NO.
13, P.S.- HOJAI, DIST- HOJAI, ASSAM

2: ANUP MUKHERJEE
S/O LATE AMARENDRA NATH MUKHERJEE
R/O NORTH LUMDING
LANKA ROAD
P.O. AND P.S.- LUMDING
DIST- NAGAON
ASSAM

3: BISWAJIT DUTTA
S/O LATE HARIPADA DUTTA
R/O GOBINDAPALLY
WARD NO. 6
HOJAI TOWN
P.O.
P.S. AND DIST- HOJAI
ASSAM

4: SMT. SALAM MEMI DEVI
W/O SRI MAHESH SINHA
R/O VILL- NARAYANPUR
P.O.- PAHAR
P.S.- LANKA
DIST- NAGAON
ASSAM

5: TANDON SINGHA
S/O LATE SAHAMU SINGHA
R/O MATIKHOLA GOCHARA
P.O. AND P.S. AND DIST- HOJAI

6: SUPDIB DEB ROY
S/O LATE AJIT KUMAR DEB ROY
R/O MISTRIPATTY
WARD NO. 6
P.O. AND P.S.- LUMDING
DIST- HOJAI

7: DULAL CHANDRA DAS
S/O LATE BHUBAN DAS
R/O VILL- HIRA BASTI
P.O.- BORBOHA
P.S. AND DIST- HOJAI
ASSA

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, SECONDARY EDUCATION DEPARTMENT,
DISPUR, GUWAHATI-6

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
SECONDARY EDUCATION DEPARTMENT
DISPUR
GUWAHATI-6

3:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19

4:THE INSPECTOR OF SCHOOLS
HOJAI DISTRICT
HOJAI
ASSA

Advocate for the Petitioner : MR. P J SAIKIA, SR. ADV, MS M NIROLA,MR. R S MISHRA

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

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

15.09.2025

Heard Ms. M. Nirola, learned counsel for the petitioners and Mr. S. M. T. Chistie, learned Standing Counsel, Secondary Education Department, for the respondent Nos. 1, 2, 3 & 4.

In this petition, under Article 226 of the Constitution of India, the petitioners have prayed for issuing direction to the respondent authorities, not to prepare the Final Gradation List of the graduate teachers of High/Higher Secondary School of Hojai district; and also challenging the draft gradation list, which was subsequently treated as final, bearing No. IS/HDC/APPT/GRADATION/GT/2025/231, dated 18.03.2025, issued by the respondent No. 4 and also challenging the letter No. IS/HDC/APPT/HM/2025/322, dated 03.04.2025, issued by the respondent No. 4.

Ms. Nirola, learned counsel for the petitioner submits that vide Notification, dated 26th February, 2021, graduate pay scale was granted to the petitioners, who are graduate teachers, notionally, from the date of their joining and thereafter, gradation list was prepared for promotion to the post of Headmasters in provincialized High Schools in Nagaon and Hojai district; wherein, the name of the petitioner Nos. 1, 2, 3, 4, 5 & 6 appeared at Sl. Nos. 261, 277, 254, 259, 249 and 521 respectively. However, the name of the petitioner No. 7 was excluded.

Thereafter, the respondent No. 4 had issued another provisional draft gradation list of graduate teachers, dated 18.03.2025, wherein the name of all the petitioners finds no mention and though the petitioners had filed one representation on 21.03.2025, before the respondent No. 4, the same was not considered by the respondent No. 4 and without considering the same, the respondent No. 4; vide letter dated 03.04.2025, has forwarded the said gradation list of the concerned

Headmasters/Principals, to the High Schools of Hojai district. Under the above facts and circumstances, Ms. Nirola has contended to stay the process.

At this stage, Mr. Chistie, learned counsel for the respondents in Secondary Education Department submits that several writ petitions were filed earlier on the same subject and the said writ petitions are pending before this Court and a detailed affidavit was also filed by the respondent authorities, and the respondent authorities had already halted the process and as such, Mr. Chistie submits that the matter may be listed in the next week, so as to enable him to obtain necessary instruction.

Accordingly, taking note of the submissions of the learned counsel for both the sides, it is provided that the Registry shall list the matter on **23.09.2025**, so as to enable Mr. Chistie to obtain necessary instruction.

Since, as per the submission of Mr. Chistie, the matter has already been stayed by the respondent authorities, there is no requirement for passing any interim order at this stage. However, the same will be considered on the next date, on receipt of instruction from the respondent authorities by Mr. Chistie.

JUDGE

Comparing Assistant