

GAHC010205612021



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

Case No. : WP(C)/7071/2021

HIRANYAJIT PATHAK (TUTOR) AND 28 ORS.
S/O LATE KRISHNA KANTA PATHAK,
WARD NO.1, PATHSALA,
DISTRICT BARPETA, PIN 781325

2: GAUTAM DEKA (TUTOR)
S/O LATE RAJANI DEKA

VILLAGE SARUPETA
P.O SARUPETA

DISTRICT BOJALI
PIN 781318.

3: SRI PARAMESHWAR NATH
(TUTOR)
S/O LATE PARASURAM NATH

VILLAGE KALBARI
P.O KALPANI BAZAR

DISTRICT BAKSA
PIN 781315.

4: SHRI NANDA LAL SARMA
(TUTOR)

S/O PREM LAL SARMA

VILLAGE KHAYARBARI
P.O CHAMUAGATI

DISTRICT BAKSA
PIN 781318.

5: SHRI KUMUD RANJAN DAS
(TUTOR)

S/O PRABHAT CHANDRA DAS

VILLAGE HATKHALA
P.O ANANDA BAZAR

DISTRICT BAKSA
PIN 781318

6: NAVA KUMAR DAS
(PRINCIPAL)
S/O LATE TARUN CHANDRA DAS

VILLAGE TEKHA
P.O SARUPETA

DISTRICT BOJALI
PIN 781318.

7: RAMEN TALUKDAR
(TUTOR)

S/O LATE BHABEN TALUKDAR

VILLAGE DAKSHIN HATI

P.O BHABANIPUR
DISTRICT BAJALI

PIN 781352.

8: CHANAKYA KALITA (TUTOR)

S/O CHANASA KALITA

VILLAGE AMRATARY
P.O ANANDA BAZAR

DISTRICT BAKSA
PIN 781318

9: DILIP MEDHI (TUTOR)

S/O BIREN MEDHI

VILLAGE AND P.O KARDAIGURI

DISTRICT BARPETA
PIN 781318

10: HEMANTA GOYARI (TUTOR)

S/O TARUN GOYARI

VILLAGE KARNACHARA
P.O HUDAKHATA

DISTRICT BAKSA
PIN 781318.

11: GADARAM KALITA (PRINCIPAL)

S/O LATE SARAT KALITA

VILLAGE PATHSALA
PIN 781325

DISTRICT BOJALI.

12: KHANINDRA TALUKDAR
(TUTOR)

S/O LATE SASHI MOHAN TALUKDAR

VILLAGE PATHSALA PRAGATI NAGAR

DISTRICT BOJALI
PIN 781325.

13: AMBARISH CHANDRA MALAKAR (TUTOR)

S/O GOPI RAM MALAKAR

VILLAGE DUBI MALIPARA

DISTRICT BAJALI
PIN 781325.

14: JIBAN KUMAR SARKAR (TUTOR)

S/O JITENDRA KUMAR SARKAR

VILLAGE ROUMARI

P.O PURAN BHABANIPUR
DISTRICT BAJALI
PIN 781318.

15: AJIT DAS (TUTOR)

S/O BIPIN DAS

VILLAGE GOLIBANDHA

DISTRICT BARPETA
PIN 781375.

16: MD. AMIR ALI (TUTOR)

S/O JASHIM UDDIN

VILLAGE HATIRTARI
P.O CHAPORBARI

DISTRICT BARPETA
PIN 781352

17: MANJU BHUYAN (TUTOR)

D/O PITAMBAR BHUYAN

VILLAGE BARGANDUBI

DISTRICT BAJALI
PIN 781375

18: DINESH CHANDRA KALITA (UDA)

S/O LATE KAMALESWAR KALITA

VILLAGE KAWAIMARI
P.O BONGAON

DISTRICT BARPETA
PIN 781375.

19: PRATAP MEDHI (LDA LIBRARY ASSISTANT)
S/O LATE RAJAT MEDHI

VILLAGE KASKURI
P.O BONGAON

DISTRICT BARPETA
PIN 781375.

20: ULUPEE KALITA (LDA)

D/O ACHYUT KALITA

RESIDENT OF WARD NO.8

DISTRICT BOJALI
PIN 781325.

21: NIRANJAN ROY (GRADE IV)
S/O DHARMESW ROY

VILLAGE RAMPUR (DEKAPARA)

P.O RAMPUR (DEKAPARA)
DISTRICT BARPETA
PIN 781375.

22: SADANANDA MEDHI (GRADE IV)
S/O DEBASHWAR MEDHI

VILLAGE RAMPUR (DEKAPARA)

P.O RAMPUR (DEKAPARA)
DISTRICT BARPETA
PIN 781375

23: KALPANA DEKA (TUTOR)

W/O MRINAL BASHYA

VILLAGE BHABANIPUR

DISTRICT BARPETA
PIN 781352.

24: AHMED ALI (TUTOR)

S/O LATE MAUGGAM HUSSAIN

VILLAGE MARISA
P.O KAYAKUCHI

DISTRICT BARPETA
PIN 781352.

25: SUFIA AHMED (TUTOR)

W/O ABDUS SATTAR CHOUDHURY
VILLAGE MARISA
P.O KAYAKUCHI

DISTRICT BARPETA
PIN 781352.

26: ABDUL KASHEM (TUTOR)

S/O TARANIA MIA

VILLAGE ITERBHITA
P.O BARBALA

DISTRICT BARPETA
PIN 781316.

27: SABAD ALI (TUTOR)

S/O MAZIBAR RAHMAN

VILLAGE TELERIA
P.O NALIGAON

DISTRICT BARPETA
PIN 781352

28: MOBAROK ALI (TUTOR)

S/O LATE ABDUL HAMID

VILLAGE THAKAPATHAR
P.O KHARDHARA

DISTRICT BARPETA
PIN 781309

29: MRIGEN TALUKDAR
S/O LATE JATIN TALUKDAR

VILLAGE RAMPUR

P.O RAMPUR DEKAPARA
PIN 781375

DISTRICT BARPETA
ASSA

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, EDUCATION (SECONDARY) DEPARTMENT, DISPUR,
GUWAHATI 06

2:THE DIRECTOR OF SECONDARY EDUCATION

ASSAM
KAHILIPARA
GUWAHATI 781019

3:THE PRINCIPAL SECRETARY/ SECRETARY TO THE GOVT. OF ASSAM

FINANCE DEPARTMENT
DISPUR GUWAHATI 06

4:THE ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI 781029

5:THE DIRECTOR OF EDUCATION
BTC
KOKRAJHAR
ASSAM 78337

Advocate for the Petitioner : MR. R P SARMAH

Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

21.12.2021

Heard Mr. R.P. Sarmah, learned Senior counsel assisted by Ms. P. Bora,

learned counsel for the petitioners as well as Mr. SMT Chistie, learned Standing counsel for the respondent nos.1 and 2 and Mr. B. Choudhury, learned Standing counsel for the respondent no.5 and Mr. R. Dhar, learned Standing counsel for the respondent no.4 as well as Mr. A. Chaliha, learned Standing counsel for the Finance Department.

Issue notice returnable on 09.02.2022.

Requisite extra copies of the writ petition be served on the learned Standing counsel in course of the day.

As the petitioners are seeking a direction for giving effect to the provincialisation order with retrospective effect from 01.01.2013, the respondents would address the said issue while filing their affidavit-in-opposition.

List the matter on 09.02.2022.

The Registry shall reflect the name of SC, Finance while listing the matter next.

JUDGE

Comparing Assistant