

GAHC010213462019



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

**Case No. : WP(C) 7224/2019**

1: SANGEETA KHOUND AND 52 ORS.

D/O RAJANI KHOUND  
ASSISTANT TEACHER  
SONAJURI ME SCHOOL  
PO - SALNAH  
PS - SAMAGURI  
DIST - NAGAON

2: MASUMA RASOOL IMTIAZ

D/O INTAZ ALI  
ASSISTANT TEACHER  
SECONEE BORHOLA HIGH SCHOOL (AMALGAMATED)  
PO - JAKHALABANDHA  
PS - JAKHALABANDHA  
DIST - NAGAON

3: AMAYA DEKA

D/O LT BHUBAN DEKA  
ASSISTANT TEACHER  
BHARIDHOWA ME SCHOOL  
PO - BHARIDHOWA  
PS - ULUWANI  
DIST - NAGAON

4: SABINA YASMIN AHMED

D/O ALIMUDDIN AHMED  
ASSISTANT TEACHER  
MADHYA KALIABOR GIRLS HIGH SCHOOL  
PO - KUWARITOL  
PS - KALIABOR  
DIST - NAGAON

5: HIRANMOYEE BORAH

D/O NAREN BORAH

ASSISTANT TEACHER  
SALNA BAPUJI HIGH SCHOOL (AMALGAMATED)  
PO - SALNAH  
PS - SAMAGURI  
DIST - NAGAON

6: SABITRI CHETRY  
D/O CHITRA CHETRY  
ASSISTANT TEACHER  
SECONEE BORHOLA HIGH SCHOOL (AMALGAMATED)  
PO - JAKHALABANDHA  
PS - JAKHALABANDHA  
DIST - NAGAON

7: JOGESWAR BAISHYA  
S/O DURGA RAM BAISHYA  
ASSISTANT TEACHER  
BHARIDHOWA ME SCHOOL  
PO - BHARIDHOWA  
PS - ULUWANI  
DIST - NAGAON

8: DIPTI PATHAK  
D/O - KHIRA PATHOK  
ASSISTANT TEACHER  
PACHIM PUBTHARIA HIGH SCHOOL (AMALGAMATED)  
PO - BHUMURAGURI  
PS - KALIABOR  
DIST - NAGAON

9: BIJUMONI BORA  
D/O - KHARGESWAR BORA  
ASSISTANT TEACHER  
SALNA BAPUJI HIGH SCHOOL (AMALGAMATED)  
PO - SALNA  
PS - SAMAGURI  
DIST - NAGAON

10: CHITTA RANJAN BORA  
S/O-DANDI RAM BORA  
ASSISTANT TEACHER  
SIBASTHAN HIGH SCHOOL (AMALGAMATED)  
PO - SIBASTHAN  
PS - SIBASTHAN  
DIST - NAGAON

11: RITUMONI BORAH  
D/O- KRISHNA KANTA BORAH

ASSISTANT TEACHER  
BAGHBARALI MES  
P.O.-SAMAGURI  
P.S- SAMAGURI  
DISTRICT - NAGAON

12: KUNLATA BORAH  
D/O- JATINDRA NATH BORA  
ASSISTANT TEACHER  
RAMAKANTA SAIKIA HIGH SCHOOL (AMALGAMATED)  
P.O.-BORJURI  
P.S- SALNA  
DISTRICT - NAGAON

13: MADHURI GAYAN  
D/O- DEBENDRA NATH GAYAN  
ASSISTANT TEACHER  
UDMARI B.D.S MES  
P.O.-UDMARI  
P.S- SAMAGURI  
DISTRICT - NAGAON

14: MUKTI AHMED  
S/O- ABDUL WAHAB  
ASSISTANT TEACHER  
PUTHIKHAITY M.E.S  
P.O.-SAMAGURI  
P.S- SAMAGURI  
DISTRICT - NAGAON

15: BHASWATI BORAH  
D/O - BAPDHAN BORAH  
ASSISTANT TEACHER  
BHELEUGURI ANCHALIK HIGH SCHOOL (AMALGAMATED)  
P.O. BHELEUGURI  
P.S SAMAGURI

16: JITUMONI BORA  
S/O- BHUMIDHAR BORA  
ASSISTANT TEACHER  
BAJIAGAON ANCHALIK MADRASA  
P.O.-BAJIAGAON  
P.S- SAMAGURI  
DISTRICT - NAGAON

17: DHRUBA JYOTI GOGOI  
S/O-KAMAL GOGOI  
ASSISTANT TEACHER

MAGURMARI GIRLS M.E.M  
P.O-MAGURMARI  
P  
S-RUPAHIHAT  
DIST-NAGAON

18: PARTHA PROTIM BORAH  
C/O CHANDRA KANTA BORAH  
ASSISTANT TEACHER  
HATIPARA NAGARANI M.E.M  
PO- HATIPARA  
PS- RUPAHI HAT  
DIST- NAGAON

19: UTTAM KR. SARKAR  
C/O SURJYA KANTA SARKAR  
BAGAMUKH M.E. SCHOOL  
ASSISTANT TEACHER  
PO- BAGAMUKH  
PS- RUPAHI HAT  
DIST- NAGAON

20: ARJUMAN BEGUM  
C/O NUR MOHAMMAD  
HATIPARA NAGARANI M.E.M  
ASSISTANT TEACHER  
PO- HATIPARA  
PS- RUPAHI HAT  
DIST- NAGAON

21: UPEN KALITA  
C/O GAJEN KALITA  
MAGURMARI GIRLS M.E. MADRASSA  
ASSISTANT TEACHER  
PO- MAGURMARI  
PS- RUPAHI HAT  
DIST- NAGAON

22: FARID SHAH NEWAZ  
C/O ABDUL HYE  
TARABARI HIGH SCHOOL  
ASSISTANT TEACHER  
PO- TARABARI  
PS- PUPAHI HAT  
DIST- NAGAON

23: LUKUMONI BORDOLOI  
C/O BISHNU PRASAD BORA

HATIPARA NAGARNI M.E.M  
ASSISTANT TEACHER  
PO- HATIPARA  
PS- RUPAHI HAT  
DIST- NAGAON

24: BHASKAR JYOTI BARUAH  
C/O CHANDRA KANTA SARMA BARUAH  
KAROIGURI M.V. SCHOOL  
ASSISTANT TEACHER  
PO- MAGURMARI  
PS- RUPAHI HAT  
DIST- NAGAON

25: PARISHMITA BORA  
C/O KAMALESWAR BORA  
PHUTALZAR M.E. MADRASSA  
ASSISTANT TEACHER  
PO- PUB PHUTALZAR  
PS- RUPAHI HAT  
DIST- NAGAON

26: MADHUMITA SAIKIA  
C/O PRANJAL BORAH  
PHUTALZAR M.E.M  
ASSISTANT TEACHER  
PO- PUB PHATALZAR  
PS- RUPAHI HAT  
DIST- NAGAON

27: MITALI NANDI  
C/O RANJIT KR. NANDI  
GUNABARI M.E.M.  
ASSISTANT TEACHER  
PO- RUPAHI  
PS- RUPAHI HAT  
DIST- NAGAON.

28: KRISHNA GOGOI  
D/OPADMESWAR GOGOI  
ASSISTANT AT DIGHALDARI MV SCHOOL  
VIIAND PO- DIGHALDARI  
DIST -NAGAON.

29: NAVANITA BARUAH  
D/O GHANA KANTA BARUAH  
ASSIATANT TEAHER AT SARAGAON MESCHOOL  
VILLAND PO- SARAGAON

DIST -NAGAON.

30: ARCHANA BARUAH  
D/OUMESH BARUAH  
ASSISTANT TEACHER AT SARAGAON ME SCHOOL  
VILLAND PO- SARAGAON  
DIST -NAGAON.

31: DULARI DEKA  
D/O ANANDA DEKA  
ASSISTANT TEACHER AT SARAGAON ME SCHOOL  
VILLAND PO- SARAGAON  
DIST -NAGAON.

32: TONMOYEE BORA  
D/O KIRTI BORA  
ASSISTANT TEACHE AT DIMOW MV SCHOOL  
VILL- PUB SALMARA  
PO- PHULAGURI  
DIST -NAGAON.

33: MANISHA DEKA  
D/O GHANA KANTA DEKA  
ASSISTANT TEACHER AT DEOBALI JAKARUAH ME SCHOOL  
VILL- JAKARUAH  
PO-DIGHALDARI  
DIST -NAGAON.

34: SAMPREETI SAIKIA  
D/O RUPOM SAIKIA  
ASSISTANT TEACHER AT BAGALAJAN KV ME SCHOOL  
VILL- PUB GUIMARI  
PO- PUB GUIMAI  
DIST -NAGAON.

35: DIPANJALI DAS  
D/O UMA RAM DAS  
ASSISTANT TEACHER  
DIMARUGURI M.E.SCHOOL  
P.O.DIMARUGURI  
DIST-NAGAON.

36: PRANJAL KUMAR SAIKIA  
S/O BHOGESWAR SAIKIA  
ASSISTANT TEACHER  
CHAKITUP MEM  
P.O. CHOTAHAIBAR  
P.S-SADAR

DIST-NAGAON

37: PANKHI BASHISTHA  
D/O HITEN SARMA  
ASSISTANT TEACHER  
ANCHALIK MEM  
P.O. PANIGAAON  
P.S-MORIKALONG  
DIST-NAGAON

38: DEBAJANI DEBNATH  
D/O JAGADISH CH DEBNATH  
ASSISTANT TEACHER  
UDMARI HIGH SCHOOL  
P.O. SINGARI  
P.S-JURIA  
DIST-NAGAON.

39: ABUL KALAM  
S/O AABBAS ALI  
ASSISTANT TEACHER  
SINGARI MEM  
P.O-SINGARI MADRASSA  
P.S-JURIA  
DIST-NAGAON

40: FIRDOS ALAM  
S/O MD.ABDUL KADIR BIN SHAHEB  
ASSISTANT TEACHER  
J.B.K .M.E MADRASSA  
P.O-BALISATRA  
P.S-JURIA  
DIST-NAGAON

41: PRAJNAJYOTI DAS  
D/O PANINDRA CHANDRA DAS  
ASSISTANT TEACHER  
ATHGAON M.V.SCHOOL  
P.O-DHING  
P.S-DHING  
DIST-NAGAON.

42: BINITA BORAH  
D/O NARENDRA NATH BORAH  
ASSISTANT TEACHER  
ATHGAON M.V.SCHOOL  
P.O-DHING  
P.S-DHING

DIST-NAGAON

43: BED KUMAR BORA  
S/O KUSESWAR BORA  
ASSISTANT TEACHER  
HAIDUBI RAMPUR SATRA M.E.M  
P.O-KADAMONI  
P.S-BATADRAVA  
DIST-NAGAON

44: RASHMI REKHA BORA  
D/O LATE TUNIRAM BORA  
ASSISTANT TEACHER  
KACHUA GIRLS MES  
P.S - KAMPUR  
P.O - KAMPUR  
DIST -NAGAON.

45: MAMONI SAIKIA  
D/O GHANA KANTA SAIKIA  
ASSISTANT TEACHER  
HATICHONG KASTURBA GIRLS M.V.S  
P.O-CHAKALAGHAT  
P.S-JAJORI  
DIST-NAGAON

46: DILIP KUMAR BORAH  
S/O SURENDRA NATH BORAH  
ASSISTANT TEACHER  
JAJORI GIRLS M.V.S  
P.O- HATICHONG  
P.S-JAJORI  
DIST-NAGAON.

47: LIPIKA BASUMATARY  
C/O MANAS JYOTI BORAH  
ASSISTANT TEACHER  
JAJORI COMBINE M.V.S  
P.O-MAJ JAJORI  
P.S-JAJORI  
DIST-NAGAON.

48: SIDDHARTHA SANKAR BORAH  
S/O JATINDRA NATH BORAH  
ASSISTANT TEACHER  
KAKI TARALANGSU MES  
P.O-TERALANGSO  
P.S-KAKI

DIST -NAGAON

49: BISHNU PRASAD BORA  
S/O JAGAT CHANDRA BORA  
ASSISTANT TEACHER  
RANGALOO HIGH SCHOOL  
P.O-JUMORMUR  
P.S-SADAR  
DIST -NAGAON

50: SUMI DEKA  
C/O NIRMAL CH DEKA  
ASSISTANT TEACHER  
MAJGAON BHOMURAGURI M.V.S.  
P.O-MAJGAON  
P.S-JAJORI.  
DIST-NAGAON

51: BABY RANI ROY  
C/O LATE DEBESH ROY  
ASSISTANT TEACHER  
HERAPATI M.E.M  
P.O-HERAPATI  
P.S-SADAR  
DIST-NAGAON

52: JURI KAKATI  
C/O GOPINATH KAKATI  
ASST. TEACHER  
SWAHID CHANDAN SINGH HS  
P.O-MAJORATI  
P.S-SADAR  
DIST-NAGAON

53: GURUCHANA SAIKIA  
C/O ARUP JYOT MIKIR  
ASSISTANT TEACHER  
HERAPATI M.E.M.  
P.O.-HERAPATI  
P.S.-SADAR  
DIST-NAGAON

VERSUS

1:THE UNION OF INDIA AND 8 ORS.  
REP. BY THE SECRETARY DEPTT. OF SCHOOL EDUCATION AND LITERACY  
MINISRTY OF HUMAN RESOURCE DEVELOPMENT, SASHTRI BHAWAN,  
NEW DELHI-110001

2:THE JOINT SECRETARY  
DEPTT. OF SCHOOL EDUCATION AND LITERACY  
MINISTRY OF HUMAN RESOURCE DEVELOPMENT  
SASHTRI BHAWAN  
NEW DELHI-110001

3:THE PROJECT APPROVAL BOARD  
DEPTT. OF SCHOOL EDUCATION AND LITERACY  
MINISTRY OF HUMAN RESOURCE DEVELOPMENT  
SASHTRI BHAWAN  
NEW DELHI-110001

4:THE STATE OF ASSAM  
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM  
EDUCATION (ELEMENTARY) DEPTT. DISPUR  
GUWAHATI-781006

5:THE ADDL. CHIEF SECRETARY  
TO THE GOVT. OF ASSAM  
EDUCATION DEPTT. SACHIBALAYA  
GUWAHATI-781006

6:THE DIRECTOR OF ELEMENTARY EDUCATION  
ASSAM  
KAHILIPARA  
GUWAHATI-781019

7:THE MISSION DIRECTOR  
AXOM SARBA SIKSHA ABHIJAN MISSION  
KAHILIPARA  
GUWAHATI-781019

8:THE EXECUTIVE DIRECTOR  
AXOM SARBA SIKSHA ABHIJAN MISSION  
KAHILIPARA  
GUWAHATI-781019

9:THE DISTRICT MISSION CO-ORDINATOR  
NAGAON DISTRICT SARBA SIKSHA ABHIJAN  
ASSA

**Advocate for the Petitioner** : MR. B D GOSWAMI

**Advocate for the Respondent** : ASSTT.S.G.I.

**BEFORE  
HONOURABLE MR. JUSTICE N. KOTISWAR SINGH**

**ORDER**

**Date : 25-09-2019**

Heard Mr. B. D. Goswami, learned counsel for the petitioners.

Issue notice returnable on 22.11.2019.

Mr. K. Gogoi, learned CGC accepts notice on behalf of the respondent Nos. 1 to 3.

Mr. S. P. Bhattacharjee, learned Standing Counsel, Elementary Education Department and SSA accepts notice on behalf of the respondent Nos. 4 to 9.

The petitioners have approached this Court for ensuring certainty of their service. The petitioners were initially appointed as Assistant Teachers on contractual basis under the State run Lower Upper Primary Schools under the Sarba Siksha Abhiyan (SSA) and have also qualified in Teachers Eligibility Test (TET) examination.

It is claimed that the entire process of recruitment as applicable for appointment to regular posts had been adopted, which the petitioners had successfully undergone.

However, their service is only for 5 (five) years as per the provisions of the Right to Children to Free and Compulsory Education, 2009. After joining as Assistant Teachers in their respective schools their services have been extended for another period of 2 (two) years on expiry of initial 5 (five) years. Being apprehensive that their services may be discontinued as it is merely contractual, even though the nature of the recruitment process which they had undergone is akin to process for regular appointment, the petitioners have approached this Court for appropriate direction to the State.

They have contended that they are as good as any other regular employees of the State, discharging similar duties and if the State Government can accommodate them against regular posts, they would be assured of regularity in the service, for which they have approached this Court.

The State will respond to their plea by filing necessary affidavit.

Learned counsel for the petitioners has prayed for passing an interim order for assurance that their future will be secured, for which, it has been pointed out that there are many regular vacancies under the State Education Department having similar status and

duties and functions and it will not cause any prejudice to the State, if proportionate number of posts as the petitioners, are kept reserved in the regular establishment, in the event authorities so decide to accommodate the petitioners.

In that view of the matter, as an interim measure, let proportionate number of posts as the number of petitioners in the Elementary Education (Upper Primary), Government of Assam, be kept unfilled, which may not be filled without the leave of this Court.

As this order has been passed without fully hearing the respondents, the respondents may approach this Court for modification of this interim order by filing necessary application.

List the matter again on 22.11.2019

**JUDGE**

**Comparing Assistant**