

GAHC010214882025



undefined

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

Case No. : I.A.(Civil)/3123/2025

BHARGAB JYOTI NATH AND ORS
S/O- HEM CHANDRA NATH R/O -NAYAKPARA, P.O -SIPAJHAR, P.S
-SIPAJHAR, PIN -784145, DIST -DARRANG, ASSAM

2: PRERANA BHUYAN
AGE ABOUT 35 YEARS D/O- CHANDRA BHUYAN R/O -MADHABGAON
P.O TAMUGURIHAT
PIN -784180
DIST -SONITPUR
ASSAM.

3: SADDAM HUSSAIN
AGE ABOUT 34 YEARS S/O- MOSLEM ALI R/O -SAPKATA
MUKALMUA
P.O NALBARI
PIN -781126 DIST -NALBARI
ASSAM.

4: PALLABI DAS
AGE ABOUT 29 YEARS D/O- GOLAK CHANDRA DAS R/O -GARGARA
P.O -SIKARHATI
P.S -PALASHBARI
PIN -781125
DIST -KAMRUP(R)
ASSAM

5: JYOTISHMITA SALOI
AGE ABOUT 39 YEARS W/O- NILAMANI MEDHI R/O -BAGURIHATI
P.O -BAGURIHAT
P.S -BELSOR
PIN -781310
DIST -NALBARI
ASSAM.

6: DHANJIT DEKA
AGE ABOUT 28 YEARS S/O- BASUNDHAR DEKA R/O -SENAPATIPARA
P.O -BURHINAGAR
P.S -SIPAJHAR
PIN -784147
DIST -DARRANG
ASSAM

7: KRISHNA PATOWARY
AGE ABOUT 30 YEARS D/O- LATE JADU PATOWARY R/O -MUKTAPUR
P.O -LOCH
P.S -BAIHATA CHARIALI
PIN -781381
DIST -KAMRUP(R)
ASSAM

8: HIMADRI KALITA RAY
AGE ABOUT 38 YEARS W/O- CHANDAN RAY
R/O -KAMARGAON
P.O -DIPILA
PIN -784144
DIST -DARRANG
ASSAM.

9: DIPIKA SENSWA
AGE ABOUT 27 YEARS D/O- GUNARAM SENSWA R/O -TOHENIA P.O
-NAKACHARI P.S -AMGURI
PIN -785680 DIST -SIVSAGAR
ASSAM.

10: BHANU DEWRI
AGE ABOUT 41 YEARS D/O- HARESWAR DEWRI R/O -MADANPUR
P.O -LOHARGHAT
PIN -781120
DIST -KAMRUP(R)
ASSAM.

11: ABDUS SATTAR
AGE ABOUT 30 YEARS D/O- ABDUL LATIF R/O -SOILMARI P.O -CHIKNI P.S
-KALGACHIA
PIN -781321 DIST -BARPETA
ASSAM

12: ANANTA KALITA
AGE ABOUT 30 YEARS S/O- BHOGESWAR KALITA R/O -AUNIATI SATRA
P.O -MAJULI
PIN -785106
DIST -MAJULI

ASSAM

13: SUMSUMI GOGOI

AGE ABOUT 28 YEARS D/O- HARI CHANDRA GOGOI R/O -SARALA
BARUAH CHUK P.O -SOOTEA

PIN -784175

DIST -BISWANATH

ASSAM.

14: ARUP BORAH

AGE ABOUT 43 YEARS S/O- LATE RUPAN BORH

R/O -AKHOIPHUTIA

P.O -AKHOIPHUTIA

P.S -SIVASAGAR

PIN -785697

DIST -SIVASAGAR

ASSAM.

15: LUKUMONI GOGOI

AGE ABOUT 29 YEARS D/O- MONDIT GOGOI R/O -BASASAYAK DIBRAL

P.O -MAJBARI

P.S -AMGURI

PIN -785680

DIST -SIVASAGAR

ASSAM

16: MOONMI BORUAH

AGE ABOUT 33 YEARS D/O- LATE HEMA BORUAH R/O -SAMAGURIN NA
ALI P.O -SAMAGURI P.S -AMGURI

PIN -785680

DIST -SIVASAGAR

ASSAM

17: DIKSHITA DEKA

AGE ABOUT 27 YEARS D/O- BINOD KUMAR DEKA R/O -MOHKHALI

P.O -GOPALTHAN

P.S -BELSOR

PIN -781334

DIST -NALBARI

ASSAM

18: SUBHADRA THAKURIA

AGE ABOUT 36 YEARS D/O- PADMESWAR THAKURIA R/O -NAHIRA

P.O -NAHIRA

P.S -PALASHBARI

PIN -781132

DIST -KAMRUP(R)

ASSAM.

19: ANSHUMITA GOGOI
AGE ABOUT 30 YEARS D/O- SUSHIL GOGOI R/O -DUHUTIA
P.O -NAKACHARI
P.S -MARIANI
PIN -785635
DIST -JORHAT
ASSAM

20: KAMAL PHUKAN
AGE ABOUT 30 YEARS S/O- TIKENDRA PHUKAN R/O -UDAIPUR
P.O -JONAI
P.S -JONAI
PIN -787060
DIST -DHEMAJI
ASSAM.

21: NITYANANDA PEGU
AGE ABOUT 35 YEARS S/O- BINESWAR PEGU R/O -KATHALGURI
P.O -KEKURIPOMUA
P.S -DHAKUAKHANA
PIN -787055
DIST -LAKHIMPUR
ASSAM.

22: RIMA CHETIA HANDIQUE
AGE ABOUT 40 YEARS D/O- JITU HANDIQUE R/O -MECHAGARH
HANDIQUEGAON P.O -SIVASAGAR
PIN -785697
DIST -SIVASAGAR
ASSAM

23: TILUMONI GOGOI
AGE ABOUT 39 YEARS S/O- UPEN BORAH R/O -BORACHUCK
P.O -KHATORGAON
PIN -784169
DIST -BISWANATH
ASSAM.

24: ANISHA BHARALI
AGE ABOUT 32 YEARS D/O- CHITRA NBHARALI R/O -MAJIKUCHI
P.O -MAJIKUCHI
PIN -784178
DIST -BISWANATH
ASSAM.

25: PRANTRISHNA BARUAH

AGE ABOUT 30 YEARS D/O- TILSWAR BARUAH R/O -HOLONGAPAR
GOHOINGAON P.O -KHPARADHARA
PIN -785700
DIST -JORHAT
ASSAM

26: TULUMANI BORAH
AGE ABOUT 38 YEARS D/O- KUSHAL THAKURIA R/O -BOKRAJHAR
BAGICHA
P.O -TENGABARI
PIN -784525
DIST -UDALGURI
ASSA

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT
OF ASSAM, EDUCATION DEPARTMENT (ELEMENTARY), DISPUR,
GUWAHATI -781006

2:THE DIRECTOR OF ELEMENTARY EDUCATION
KAHILIPARA
GUWAHATI-78101

Advocate for the Petitioner : SC, ELEM. EDU, MR. D GOGOI

Advocate for the Respondent : SC, ELEM. EDU,

BEFORE
HONOURABLE MR. JUSTICE NELSON SAULO

ORDER

Date : 22-09-2025

By filing this application, the applicants have sought for a direction to the respondent authorities to keep 26 (twenty six) posts of Upper Primary Hindi Teachers vacant till final disposal of the connected writ petition, i.e., WP(C) 4555/2025.

The applicants as writ petitioners had earlier approached this Court by

filing WP(C) 3100/2022 challenging the prescription of educational qualification of graduation from UGC recognized University having Hindi as one of the subject amongst others for the post of Hindi Upper Primary School Teacher. The applicants/writ petitioners are graduates and also having Pravin in Hindi and for which reason their candidatures was not accepted. During the pendency of the writ petition, the process for selection of Upper Primary School Hindi Teacher as per the advertisement concerned had been completed. Thereafter, another advertisement was floated with the same conditions in so far as the educational qualification is concerned. The petitioners then filed I.A.(Civil) 30/2024 seeking a direction to the respondents to allow them to participate in the selection process. This Court, vide order dated 21.09.2024 allowed the petitioners to participate, but, however, making it subject to the final outcome of the writ petition. The petitioners accordingly participated in the selection process but they were not called for the document verification and the writ petition was disposed of by this Court, vide order dated 09.05.2025 with a finding that in an absence of any prescription by the NCTE or a notification issued by the State under Rule 3(iii) of the Assam Elementary Education (Provincialisation) Rules, 1977, (hereinafter referred to as the "Rules of 1977") the respondent authorities cannot insist on the qualification that was prescribed in the advertisement. Since the selection process as per the 1st advertisement had already concluded, Court was of the view that the finding arrived at would be applicable for future advertisement also. According to the applicants, since a notification, as held by this Court under Rule 3(iii) of the Rules of 1977 has been issued only on 09.09.2025 and since the applicants have already participated in the 2nd recruitment process, the notification cannot be made applicable to them and they should be considered for appointment to the post in question be accepting

their qualifications. Therefore, pending final consideration of the writ petition, they have prayed for keeping 26 (twenty six) posts vacant.

Mr. SMT Chistie, learned counsel for the Department submits that the matter may be taken up on 24.09.2025.

Accordingly, let this matter be listed again on **24.09.2025**.

JUDGE

Comparing Assistant