

GAHC010216032021



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

Case No. : WP(C)/7255/2021

MAHFUZUR RAHMAN CHOUDHURY
S/O. ABDUL MANAF CHOUDHURY, VILL. WARD NO.3, SAEALKHA ROAD,
SETTLEMENT, DIST. KARIMGANJ, ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS
TO BE REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM,
SECONDARY EDUCATION DEPTT., DISPUR, GUWAHATI-06.

2:THE DIRECTOR

SECONDARY EDUCATION ASSAM KAHILIPARA GUWAHATI-19.

3:THE DIRECTOR OF EDUCATION

BODOLAND TERRITORIAL COUNCIL
BTAD
KOKRAJHAR
ASSAM.

4:THE HEAD MASTER

JANATA HIGH SCHOOL
CHAMATHIAPARA
P.O. RAMPUR BO
PIN-781377
DIST. KOKRAJHAR
BTC
ASSAM

Advocate for the Petitioner : MR A R BHUYAN

Advocate for the Respondent : SC, SEC. EDU.

**BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA**

ORDER

Date : 03/01/2022

Heard Mr. A.R. Bhuyan, learned counsel for the petitioner. Also heard Ms. N.M. Sarma, learned counsel for the respondents No.1 and 2 in the Secondary Education Department, Govt. of Assam and Ms. R.B. Bora, learned counsel for the respondent No.3 being the authorities under the Education Department of BTC.

2. The petitioner herein is a Madrassa TET qualified candidate. For appointment as teacher in the regular schools, the eligibility includes a qualification in the TET. Earlier when the Madrassa institutions were in place the eligibility required a qualification in Madrassa TET for appointment as teacher in the Madrassa institutions. After the decision of the government in the Education Department to do away with the Madrassa institutions and to convert all the Madrassa institutions into regular educational institutions, a question had arisen as to whether the erstwhile Madrassa TET qualified candidates would be eligible for appointment in the regular educational institutions which stood converted after the Madrassa educational institutions ceased to exist.

3. The respondents in the Secondary Education Department is directed to take a decision on the aforesaid aspect as to what is the status of the Madrassa TET qualified candidates for appointment as teacher in the regular educational institutions which also includes the erstwhile Madrassa educational institution which stood converted.

4. The respondents to also take into consideration the aspect that if the

Madrassa TET qualified candidates are excluded from being eligible for appointment in a regular educational institution, whether the class of people who have the qualification of Madrassa TET would be discriminated inviting a violation of Article 14 of the Constitution of India. On the other hand, a decision may also be taken as to how the grievance of the aforesaid class of people can be mitigated. The decision that may be taken be informed to the Court on the next returnable date.

5. List in the week commencing 17/01/2022.
6. A copy of this order be provided to Ms. N.M. Sarma, learned counsel to do the needful.

JUDGE

Comparing Assistant