

GAHC010217082025



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

Case No. : WP(C)/5851/2025

BRAJENDRA CH ROY
SON OF MAHENDRA CH. ROY, RESIDENT OF VILLAGE- BAKALIBORI, P.O-
KARATIPAM, DISTRICT- MORIGAON, ASSAM, PIN- 782105, ASSISTANT
TEACHER (ARTS) IN CHOTAGARJAN ANCHALIK HIGH SCHOOL.

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY OF SCHOOL
EDUCATION DEPARTMENT, GOVT OF ASSAM, EDUCATION DEPARTMENT,
GUWAHATI- 781006.

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-781006.

3:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 781019.

4:THE INSPECTOR OF SCHOOL
MORIGAON
DISTRICT- MORIGAON
PIN- 782105

5:THE DISTRICT SCRUTINY COMMITTEE
MORIGAON DISTRICT
REPRESENTED BY ITS CHAIRMAN
THE DISTRICT COMMISSIONER
MORIGAON
ASSAM

PIN-782105

6:THE HEAD MASTER OF THE CHOTAGARJAN ANCHALIK HIGH SCHOOL
DISTRICT- MORIGAON
ASSAM
PIN- 78210

Advocate for the Petitioner : MRS A BUJARBARUAH, MS A.SARMA

Advocate for the Respondent : SC, SEC. EDU., SC, FINANCE,GA, ASSAM

BEFORE

HON'BLE MR. JUSTICE NELSON SAILO

O R D E R

13.10.2025

Heard Mrs. A. Bujarbaruah, learned counsel for the petitioner, who submits that the petitioner is working as an Assistant Teacher in Chotagarjan Anchalik High School in Morigaon district and has been working continuously as such since 25.04.2005. Learned counsel for the petitioner submits that as per Rule 3(ix) of the Assam Education (Provincialisation of Services of Teachers and Re-organization of Educational Institutions) Act, 2017, it is permissible to create additional post when the minimum students appearing in the last final examination of the highest class of the school for a particular subject exceeds 80. Further, a second additional post can be created if the number of students appearing in the final examination in the highest class exceeds 150. Learned counsel for the petitioner submits that in the year 2014, 2015 and 2016, more than 80 students had appeared in the H.S.L.C Examination from the school consecutively and therefore, the respondents should be directed to create an additional post, so that the service of the petitioner can be provincialised.

Learned counsel for the petitioner submits that the Director of

Secondary Education, Assam in fact had already submitted a proposal to the State Government through the Secretary to the Government of Assam, Department of School Education on 17.11.2023 for creation of three posts for provincialisation of the services of the teaching staff of the school concerned including the school where the petitioner is working. However, despite the same as no further steps have been taken, the petitioner is before this Court.

In view of above, issue notice of motion returnable by four weeks.

Ms. P. Das, learned Standing Counsel, Secondary Education Department accepts notice on behalf of respondent Nos. 1, 3 and 4, Mr. G. Pegu, learned Additional Senior Government Advocate, Assam accepts notice on behalf of respondent No.5 and Mr. A. Chaliha, learned Standing Counsel, Finance Department accepts notice on behalf of respondent No.2.

Notice is therefore complete.

However, petitioner shall serve requisite copies of the writ petition to the learned counsel appearing for the respondents today within two days.

List the matter after four weeks.

Pendency of the writ petition shall not be a bar for the respondents to take necessary steps for creations of the posts.

JUDGE