

GAHC010232862019



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

Case No. : WP(C) 7519/2019

1: BHASKOR JYOTI BORAH AND 50 ORS.
S/O- SURJYA BORAH, R/O- CHARING BARUATI, P.O. CARING, PIN- 785661,
DIST- SIVASAGAR, ASSAM.

2: CHITRA GOGOI
S/O- MR. LOKESWAR GOGOI
R/O- CHETIA GAON
P.O. KUWARI PUKHURI
PIN- 785008
DIST. JORHAT
ASSAM.

3: RITA DUTTA
D/O- DHARMESWAR DUTTA
R/O- CHARING DULIA GAON
P.O.- BARUWATI
PIN- 785661
DIST- SIVASAGAR
ASSAM.

4: MINAKSHI GOGOI SAIKIA
D/O MR. HEMKANAT GOGOI
R/O- TEOK JUNAKI NAGAR
P.O. TEOK
DIST- JORHAT
ASSAM.

5: RANJUMONI CHUTIA
R/O- LATE DHARMESWAR CHUTIA
R/O- NOTUN LAHING GAON
P.O.- LAHING
PIN- 785635
DIST- JORHAT
ASSAM.

6: MITHUN ROY
S/O- GANESH ROY
R/O- MARIANI
5 NO. WARD
P.O. MARIANI
PIN- 785634
DIST- JORHAT
ASSAM.

7: SUCITRA BORAH
S/O- MR. NIPEN BORAH
R/O- LAKHIBARI GAON
P.O. LAKHIBARI
PIN- 785635
DIST- JORHAT
ASSAM.

8: RITURAJ BORUAH
S/O- SRI LAKHESWAR BORUAH
R/O- SUNDARPUR GAON
P.O. JOYSAGAR
DIST- SIVASAGAR
ASSAM.

9: NILAKSHI BORAH
S/O- SRI TEILESWAR BORAH
R/O- 1 NO FECHUAL MEDHICHUK
P.O- FECHUAL
PIN- 785635
DIST- JORHAT
ASSAM.

10: BORALI SOMUA DEVI
S/O- SRI KULENDRA CHANDRA NATH
R/O- DISOYKUKH
BRHAMAN GAON
P.O. KURUKATILI
PIN- 785015
DIST- JORHAT
ASSAM.

11: JURIMONI SAIKIA
D/O- SOMNATH SAIKIA
R/O- DHENUCHUCA GAON
P.O- JORHAT
PIN- 785001
DIST- JORHAT

ASSAM.

12: GITIMONI CHUTIA
D/O- CHENIRAM CHUTIA
R/O- TAMULBARI GAON
P.O. TAMULBARI
PIN- 785616
DIST- JORHAT
ASSAM.

13: KABERI BHARALI
D/O- MR. PADMA BHARALI
R/O- BARBHETA CHAPORI
P.O.- LICHUBARI
PIN- 785008
DIST- JORHAT.

14: SWAPNALI TAMULI
D/O- SRI ARUN TAMULI
R/O- SARBAIBANDHA CHAKIHAT
P.O. CHAKIHAT
PIN- 785001
DIST- JORHAT

15: BHABITA NATH
S/O- SRI CHANDRADHAR NATH
R/O- POKAMURA BORUAH GAON
PIN- 785004
DIST. JORHAT
ASSAM.

16: MITALI GOGOI
S/O- SRI TULSHI NARAYAN GOGOI
R/O- NORMAL SCHOOL CAMPUS
P.O.- JORHAT
PIN- 785693
DIST- JORHAT
ASSAM.

17: PARI KACHARI
D/O- MR. SONARAM KACHARI
R/O BOGAR GAON
SUPOHA SATRA
PO- PURONA TITABOR
PIN- 785632
DIST- JORHAT
ASSAM.

18: GITIMALLIKA BORAH
D/O- PRAFULLA BORAH
R/O- GARMUR
JEC ROAD
P.O- GARMUR
DIST- JORHAT
ASSAM.

19: POMPY BORMUDOUI BORAH
D/O- MR. ARUN BORMUDOUI
R/O- MELENG DOLONI GAON
P.O. BORKHEKIA
PIN- 785101
DIST- JORHAT
ASSAM.

20: INDRANI DUTTA
D/O- HOREN DUTTA
VILL- CHOKIHAT SARBAIBANDHA
P.S.- JORHAT
DIST- JORHAT
PIN- 785001.

21: KRISHNA PHOOKAN
D/O- PRODIP KR. PHOOKAN
VILL. MONAIMAJI GAON
DHEKORGHORA
MALOU ALI
DIST- JORHAT
PIN- 785001.

22: PRITAM DHAR
S/O- LATE ARABINDA DHAR
VILL. MARIANI SANKARDEV COLONY
WARD NO. 5
P.O.- MARIANI
P.S.- MARIANI
DIST- JORHAT
PIN- 785634.

23: GAUTAM BORA
S/O NOGEN BORA
VILL- UJANI CHARAI MORIA GAON
P.O- PUB CHARI GAON
PIN- 785010
DIST- JORHAT.

24: MONJUSMITA BORA
D/O- JULARAM BORA
VILL- BORKHAT BALI CHAPORI GAON
P.O. HATIGARH
DIST- JORHAT
PIN- 785101.

25: TRISHNA RANI BARUAH
D/O- MR JATINDRA KR. BARUAH
VILL- NAGADHOOOLIE
P.O. NAGADHOOOLI
P.S- MARIANI
DIST- JORHAT.

26: MITALI HATIBARUAH
D/O- MR NARAYAN HATIBARUAH
VILL- RAJBARI LANE
WARD NO. 8
P.O. JORHAT
P.S.- JORHAT
DIST- JORHAT
PIN- 785001.

27: JESMEN ARA BEGUM
D/O- JEHIRUL HUSSAIN
VILL SEUNI ALI
JORHAT
P.S.- CINAMARA
DIST- JORHAT
PIN- 785001.

28: BABITA DAS
D/O-
VILL- SARBAI BONDHA
J.B. ROAD
P.O. AND P.S. JORHAT
DIST- JORHAT
PIN- 785001.

29: DEBASHREE GHOSH SARKAR
D/O- MANGAL KISHORE GHOSH
VILL- KUMAR KOIBARTA GAON
NATUN GARMUR
PIN 785001
DIST- JORHAT.

30: JYOTIMONI GOGOI
D/O- SADANANDA GOGOI

VILL- DHENUCHUSA
BYE LANE 2
JORHAT
P.S- JORHAT
DIST- JORHAT
PIN- 785010.

31: CHIMPI SAIKIA
D/O- JADAV SAIKIA
VILL- UJONI HABUNGIA GAON
P.O- CHALIHA
DIST- JORHAT
PIN- 785004.

32: TAZMIN AHMED
D/O- TAZUDDIN AHMED
VILL- FIRDUS NAGAR
CINAMORA
JORHAT
P.S- JORHAT
PIN- 785001.

33: UTTAM PAUL
S/O- LATE SUBODH PAUL
VILL- PUKUR PAR
MARIANI
W.NO.- 03
P.S. MARIANI
DIST JORHAT
PIN- 785634.

34: SATYAJIT SAHA
S/O- SRI NIRANJAN KUMAR SAHA
VILL- BANSHBARI BISHNUPUR
P.O- RAJABARI
P.S- JORHAT
PIN- 785014
DIST- JORHAT.

35: RUMI SONOWAL
D/O- TANKESWER SONOWAL
VILL- EKORANI
P.S- BORHOLLA
DIST- JORHAT
PIN- 785631.

36: PURAB PRATIM BHATTACHARYA
S/O- RAJEN BHATTACHARYA

VILL- UTTARAN PATH
BIBI JAN
TITABOR
P.S- TITABOR
DIST- JORHAT
PIN- 785001.

37: JADAV BORAH
S/O- LILA BORAH
VILL- KAKODUNGA
HABI GAON
BLOCK NO. 2
P.O- URONGIAL
DIST- JORHAT
PIN- 785001

38: DIPANKAR DUTTA
S/O- BONGSHIDHAR DUTTA
VILL- MILON NAGAR
P.O. TITALEAR
DIST- JORHAT
PIN- 785630.

39: SANTI BORA
S/O- GHANA BORA
VILL- RAJABAHAR
P.O. RAJABAHAR
P.S- BORHOLLA
DIST- JORHAT
PIN- 785631.

40: JADU MONI NEOG
S/O KHAGEN NEOG
VILL- CHARINGIA
P.O. PHULPANICHIGA
P.S. GAURISAGAR
DIST- SIVASAGAR PIN- 785683.

41: SUDAKHINA PASONI
D/O-
R/O- SOUMARPITH
CHULADHORA
P.O. JORHAT
DIST- JORHAT
PIN- 781001.

42: INDRANI DUTTA
D/O-

R/O- SARBAIBONDHA
CHOKIHAT
P.O- JORHAT
PIN- 785001
DIST- JORHAT.

43: JANHABI BAURAH
D/O-
R/O- MOGORAHAT CHAMGMAI GAON
P.O.- MOGORHAT
PIN- 785666
DIST.- SIVASAGAR.

44: RITU BHORALI
D/O-
R/O- BHOROLUA GAON
P.O.- KALUGAON
PIN- 78566
DIST.- SIVASAGAR
ASSAM.

45: ARPITA GOGOI
D/O-
R/O- MAJUMELIA GAON
P.O. - PHULPANICHIGA
PIN- 785683
DIST- SIVASAGAR.

46: RIMA MAHANTA
D/O-
R/O- BAHBARI
BISHNUPUR
P.O- RAJABARI
PIN- 785014.

47: SHUSMITA PAUL
C/O- SURAJIT PAUL
R/O- MODDYAMPARA
BANSHBARI JORHAT
785014
DIST- JORHAT
ASSAM.

48: SNIGDHA DUTTA
D/O-
R/O- BIBIJAN
WARD NO. 4
P.O.- TITABOR

JORHAT
PIN- 785630
DIST- JORHAT.

49: DIPJYOTI DUTTA
D/O-
R/O- BOSA GAON
P.O.- MOHIMA BARI (BORHULA)
DIST- JORHAT
PIN- 785631.

50: DIPA SONOWAL
W/O-
R/O- FREE SIMPLE GRANT
BORHULA
P.O- BORHULA
DIST- JORHAT
PIN- 785631.

51: NAHIDA AHMED
D/O-
R/O- BORHULA CHARIALI
ATHKHELIA ROAD
P.O- BORHULLA
PIN- 785631
DIST- JORHAT

VERSUS

1:THE UNION OF INDIA AND 4 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
MINISTRY OF HUMAN RESOURCE AND DEVELOPMENT DEPARTMENT OF
SCHOOL EDUCATION AND LITERACY, NEW DELHI-1.

2:THE STATE OF ASSAM
REPRESENTED BY COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
ELEMENTARY EDUCATION DEPARTMENT
DISPUR
GHY-06.

3:THE ADDITIONAL CHIEF SECRETARY
TO THE GOVERNMENT OF ASSAM
EDUCATION DEPARTMENT
DISPUR
GHY-06.

4:THE AXOM SARBA SIKSHA ABHIJAN / AXOM SAMAGRA SIKHA

ABHIYAN MISSION
REPRESENTED BY ITS MISSION DIRECTORATE. KAHILIPARA
GUWAHATI-19.

5:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19

Advocate for the Petitioner : MR. B P BORAH

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

BEFORE
HONOURABLE MR. JUSTICE N. KOTISWAR SINGH

ORDER

Date : 03-10-2019

Heard Mr. P.K. Goswami, learned senior counsel for the petitioners.

Issue notice, returnable within 4 (four) weeks.

Ms. A. Gayan, learned CGC accepts notice on behalf of respondent No. 1.

Mr. S. Sarma, learned Standing Counsel, SSA accepts notice on behalf of respondent No. 3.

Mr. P.N. Sharma, learned Standing Counsel, Education Department accepts notice on behalf of respondent Nos. 2 and 4.

The petitioners have approached this Court for ensuring certainty of their service. The petitioners were initially appointed on contractual basis under the Sarba Siksha Abhiyan scheme.

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 agreement entered with the State Government, though there is no time limit for the scheme under which they were appointed. 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.

JUDGE

Comparing Assistant