

GAHC010234622019



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

Case No. : WP(C) 7232/2019

1:TAPATY KEOT AND 29 ORS.
W/O SHRI BIREN CH. BORAH,
R/O JAYANAGAR, TRIPURA ROAD, FLAT NO. B1E, PARLAY RESIDENCY P.O.
- KHANAPARA, GUWAHATI-22,
DISTRICT - KAMRUP (M), ASSAM, PRAVA DEVI GUPTA ME SCHOOL
SCHOOL CODE-18271103021

2: ALPANA SARMAH BORA
W/O- SHRI BIKASH BORAH

R/O VILLAGE-NO.1 ASOMIYA GAON

P.O. - TINGRAI BAZAR

DISTRICT- TINSUKIA
ASSAM

PIN-786171

TINGRAI RAJANI KANTA BARUAH
HIGH SCHOOL

SCHOOL CODE- 18140120710.

3: MANOSI BHATTA SARMA
W/O-SHRI PANKAJ SARMA

R/O-A.P.R.O CAMPUS

NEAR L.P. SCHOOL
JALUKBARI

P.O. - JALUKBARI
GUWAHATI-781013

DISTRICT-KAMRUP (M)
ASSAM

NELLIE GIRLS M.E. SCHOOL

SCHOOL CODE -18090213002

4: CHAMPA GOGOI
W/O SHRI BIJOY KUMAR BORAH
R/O VILLAGE-DHAMDHULI NA GAON

P.O.-TENGAPOKHURI

DISTRICT-CHARAIDEO
ASSAM

PIN-785686

KHATKHATI M.E. SCHOOL

SCHOOL CODE-18160609001

5: SANTANA DEVI
W/O- SHRI KANGKAN SARMAH

R/O- HOUSE NO.7
BYE LANE-4

NABOJYOTI NAGAR
PANJABARI

P.O.-PANJABARI
GUWAHATI-781037

DISTRICT-KAMRUP (M)ASSAM

NELLIE GIRLS M.E. SCHOOL

SCHOOL CODE-18090213002

6: SWAPNALI SARMA
D/O- SHRI MADHAB SARMA

R/O- RUKMINAGAR
MANASHA MANDIR PATH
OPPOSITE OF TRENDS
LAXMI ENCLAVE NEAR LAXMI MANDIR

P.O.-DISPUR
GUWAHATI-781022

DISTRICT-KAMRUP(M)
ASSAM

NELLIE GIRLS M.E. SCHOOL

SCHOOL CODE-18090213002

7: SHYAMASREE DAS
D/O- LATE HARIPADA DAS

R/O- R.K. VILLA
NATUNPARA
P.O. AND DISTRICT-BONGAIGAON
ASSAM
PIN-783380

NETAJI VADYANIKETAN M.V. SCHOOL
SCHOOL CODE-18040214502

8: PRANAMITA BORDOLOI
D/O-SHRI ATUL CHANDRA BORDOLOI
R/OVILLAGE-HANDIQUE GAON

P.O.- JORHAT
DISTRICT-JORHAT
ASSAM
PIN-785009
RANGAJAN M.E. SCHOOL
SCHOOL CODE-18140206102

9: BORNALI GOGOI
W/O- SHRI JAYANTA KONWAR R/O-BORDOLOI NAGAR
BEHAIND ST STEPHENS HIGH SCHOOL
P.O.-TINSUKIA
DISTRICT-TINSUKIA
ASSAM
PIN-786125
BAREKURI M. E. SCHOOL
SCHOOL CODE 18140204102

10: MEGHALI DAS
D/O- SHRI PARAMESWAR DAS

R/O VILLAGE-BALIJANA
NEAR VETERINARY HOSPITAL

P.O. - AGIA
DISTRICT-GOALPARA
ASSAM
PIN-783120

K.N. LEMPARA M.V. SCHOOL

SCHOOL CODE-18030412302.

11: SUSHANKAR DUTTA
S/O LATE PRAN GOPAL DUTTA

R/O-MILAN VILLA
BHOWLAGURI 2ND BYE LANE
P.O.-NEW BONGAIGAON

DISTRICT-BONGAIGAON

ASSAM
PIN-783381

BONGAIGAON VIDYAMANDIR
M.E. SCHOOL

SCHOOL CODE-18040223303

12: KARABI CHUTIA
D/O LATE NANDESWAR CHUTIA
R/O VILLAGE-GOGAMUKH MAJGAON
P.O.- GOGAMUKH
DISTRICT-DHEMAJI
ASSAM
PIN-787034

GOGAMUKH NAGAR HIGH SCHOOL
SCHOOL CODE-18130104707

13: JUNALI KONWAR
W/O SHRI MRIDUL BHUYAN

R/O VILLAGE-PATHALI PAHAR
P.O.-PATHALI PAHAR
DISTRICT-LAKHIMPUR
ASSAM
PIN-784163
KAUPATANI HIGH SCHOOL
SCHOOL CODE-18130100906.

14: DEEPA DEKA GOGOI
W/O-SHRI RUPJYOTI GOGOI

R/O. VILLAGE-TETELIA

P.O.-GANDHINAGAR

DISTRICT-KAMRUP(M)

ASSAM
PIN-782403

AZARBARI SECONDARY SCHOOL

SCHOOL CODE-18090215103.

15: RIJU GOGOI
C/O SD MD BAKIR

W/O-BIDYUT BIKASH BORA
R/O- F.A. AHMED NAGAR

HOUSE NO. 39
PURANBASTI

KHANAPARA
P.O. - KHANAPARA

DISTRICT-KAMRUP (M)
ASSAM

PIN-781022

KILLING PARIA SECONDARY SCHOOL
SCHOOL CODE-18090214201

16: SANSITA DEVI
W/O-SHRI MODHUSUDHAN KOTOKY

R/O.- NARIKALBARI
ZOO NARENGI ROAD
HOUSE NO.7
BYE LANE-3

P.O.-ZOO ROAD BRANCH

DISTRICT-KAMRUP (M)

ASSAM
PIN-781024.
SILCHANG SECONDARY SCHOOL
SCHOOL CODE-18090214502

17: ANJALI DAS
W/O SHRI KAMAL KUMAR MALI

R/O VILLAGE-SATPAKHALI

P.O.-SATPAKHALI

DISTRICT-KAMRUP

ASSAM
PIN-781132

DHANUBHANGA M. E. SCHOOL

SCHOOL CODE-18030312003.

18: MITALI SAHA
W/O-SAMIR DEY

R/O-RLY Q/NO.485/A
OLD COLONY

P.O.-BONGAIGAON

DISTRICT-BONGAIGAON

ASSAM
PIN-783380

BONGAIGAON M.E. SCHOOL

SCHOOL CODE-18040223002

19: NRIPENDRA CH. PAUL
D/O- LATE UPENDRA MOHAN PAUL
R/O TOWN-SALBARI
BOC GATE
NORTH BONGAIGAON

P.O.-BONGAIGAON

DISTRICT-BONGAIGAON

ASSAM
PIN-783380

POPRAGAON M.E.SCHOOL

SCHOOL CODE-18040217302

20: JAHANGIR ALOM
S/O-KARI BAHA UDDIN

R/O VILLAGE-GUNIALGURI

P.O.-GUNIALGURI

DISTRICT-BARPETA

ASSAM
PIN-781319

CHENIMARI ME MADRASSA SCHOOL
SCHOOL CODE-18050303802

21: SWAPNA RAY PATHAK
W/O PRABIN CHANDRA PATHAK
R/O VILLAGE-BORGHOLA PART-1
P.O.-SRIJANGRAM
DISTRICT-BONGAIGAON

ASSAM
PIN.783386
BAPUJI HIGH SCHOOL
SCHOOL CODE-18040305021.

22: ABUL KALAM AZAD
S/O- LATE MOFIZ UDDIN

R/O VILLAGE-BALARCHAR

P.O.-KIRTANPARA

DISTRICT-BONGAIGAON

ASSAM. PIN-783384

PURBA JOPEA ME MADRASSA

SCHOOL CODE-18040319902

23: BABLI MANDAL

W/O -SHRI RANJIT MANDAL
R/O VILLAGE-MILAN NAGAR
DURGA MANDIR
P.O.-BALADMARI
DISTRICT-GOALPARA
ASSAM
PIN-783121
BANABASHI M.E. SCHOOL
SCHOOL CODE-18030306002.

24: SOBITA CHOUDHURY
W/O- SHRI DIGANTA KURMI
R/O VILLAGE-TILIKIAM BEZ GAON
P.O.-CHARINGIA
DISTRICT-JORHAT
ASSAM
PIN-785006
BORKHANGIA HIGH SCHOOL
SCHOOL CODE-18170315507.

25: NAMITA BORAH
W/O SHRI PRANJIT PRAN KALITA

R/O- CHOLADHARA ROAD
NEAR JOAKI NAGAR BYE LAND
P.O.-JORHAT

DISTRICT-JORHAT

ASSAM
PIN-785001

BORKHANGIA HIGH SCHOOL

SCHOOL CODE-18170315507

26: RUNUMI DEVI
W/O- SHRI APURBA KUMAR SARMA
R/O VILLAGE-MAKHIBAHA
P.O.-MAKHIBAHA
DISTRICT-NALBARI
ASSAM
PIN-781374
KAUREHAGI M.E. SCHOOL
SCHOOL CODE-18070216901.

27: PRADIP BARMA
S/O- SHRI PABIN BARMA

R/O VILLAGE-CHAMATA

P.O.-PASCHIM CHAMATA

DISTRICT-NALBARI
ASSAM

PIN-781306
BARJAN M.E. SCHOOL

SCHOOL CODE-18020214702

28: RAJIB KUMAR MEDHI
S/O-LATE KULADHAR MEDHI

R/O VILLAGE-TUPLAI PANBARI

P.O.-NITYANANDA
DISTRICT-BARPETA
ASSAM
PIN-781329

CHILKIKHATA M.E. SCHOOL

SCHOOL CODE-18020509702

29: AJIT CHANDRA DAS
S/O-LATE TAGAR DAS

R/O VILLAGE-MALAYBARI

P.O.-MALAYBARI

DISTRICT-KAMRUP(M)

ASSAM
PIN-782403

SANKARDEV SECONDARY SCHOOL

SCHOOL CODE-18090216006.

30: BIJU NARAYAN DEKA
S/O- LATE KHAGENDRA NATH DEKA
R/O VILLAGE-RUPIYABATHAN
P.O.-CHAMATA
DISTRICT-NALBARI
ASSAM

PIN-781306
SANKARDEV SECONDARY SCHOOL
SCHOOL CODE-1809021600

VERSUS

1:THE UNION OF INDIA AND 3 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE MIN OF HUMAN
RESOURCE AND DEVELOPMENT DEPTT OF SCHOOL EDUCATION AND
LITERACY, NEW DELHI- 01

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
EDUCATION (ELEMENTARY) DEPARTMENT
DISPUR
GUWAHATI-781006.

3:THE AXOM SARBA SIKSHA ABHIJAN MISSION
REPRESENTED BY ITS MISSION DIRECTOR
KAHILIPARA
GUWAHATI-19.

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

Advocate for the Petitioner : MS. M BORAH

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

BEFORE
HONOURABLE MR. JUSTICE N. KOTISWAR SINGH

ORDER

Date : 25-09-2019

Heard Ms. M. Borah, learned counsel for the petitioners.

2. Issue notice, returnable on 30.10.2019.
3. Ms. A. Gayan, learned CGC accepts notice on behalf of respondent No. 1.

4. Mr. S.P. Bhattacharjee, learned Standing Counsel, Education Department as well as SSA accepts notice on behalf of respondent Nos.2 to 4.
5. 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.
6. 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.
7. 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.
8. 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.
9. The State will respond to their plea by filing necessary affidavit.
10. 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.
11. 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.
12. 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.

13. List the matter again on 30.10.2019.

JUDGE

Comparing Assistant