

GAHC010234862024



2026:GAU-AS:632

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

Case No. : WP(C)/6267/2024

KUMUD LAHKAR AND 2 ORS.
S/O- ATUL CHANDRA LAHKAR, VILL- DHOPATARI, P.O. CHANGSARI, DIST.
KAMRUP, ASSAM, PIN- 781101.

2: RABINDRA NATH
S/O- LATE SACHIN CH. NATH
VILL.- CHANGSARI
P.O. AND P.S. CHANGSARI
DIST.KAMRUP RURAL
ASSAM
PIN- 781101.
3: GIRINDRA NATH CHOUDHURY
S/O- SRI RATNESWAR CHOUDHURY
VILL.- PALHA
P.O. SATHISAKUMA
P.S. PATACHARKUCHI
DIST. BAJALI
ASSAM
PIN- 781355
ASSISTANT TEACHER
ANANDA RAM SENIOR BASIC SCHOOL
NORTH GUWAHATI

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION, DISPUR, GHY-781006.

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-781019.

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER
KAMRUP
AMINGAON
ASSAM
PIN- 781031.

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

5:THE INSPECTOR OF SCHOOLS
KAMRUP (RURAL)
AMINGAON
ASSAM
PIN- 781031

Advocate for the Petitioner : MR. A DEKA,
Advocate for the Respondent : SC, ELEM. EDU,

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

21.01.2026

Heard Mr. A Deka, learned counsel for the petitioners. Also heard Mr. B Talukdar, learned Standing counsel, Elementary Education Department for the respondent Nos. 1 to 3 as well as Ms. D Mushahary, learned Standing counsel, Secondary Education Department for the respondent Nos. 4 & 5.

2. Though returns have not yet been filed on behalf of the respondents, however, upon the consensus arrived at between the parties, the matter is taken up for final disposal at the admission stage itself.

3. By way of this writ petition under Article 226 of the Constitution of India, the petitioners are seeking, inter alia, a direction to the respondent authorities to determine the seniority of the petitioners district-wise by taking into account the initial dates of joining in the concerned schools and also publish the gradation list amongst the teachers of the upper primary schools in the district of Kamrup.

4. The brief facts of the case are that the petitioners were appointed as Assistant Teachers in upper primary schools under Kamrup (R) district in the year 1993-94 by orders issued by the District Elementary Education Officer (DEEO), Kamrup. Initially, the petitioners were receiving salary for 19 months up to June, 1995 from the dates of appointment and thereafter, salary was stopped due to not having retention to the posts. Thereafter, upon regularization of their services vide order dated 09.10.2002, the petitioners started receiving salary w.e.f. the month of May, 2001 till date. It is the specific case of the petitioners that the service period rendered by them from July, 1995 to April, 2001 has not been regularized by treating them as on duty or in service with service benefits, though they continuously rendered their services.

5. It is the further case of the petitioners that after regularization, the respective GPF account numbers have been allotted to them and they are also entitled for pension under the Assam Services (Pension) Rules, 1969. It is the further contention of the petitioners that the district-wise gradation list of UP Schools has also not been prepared as per the Rules and Notifications, thereby causing prejudice to the petitioners for getting an opportunity to be considered for promotion to the post of Headmaster. It is in these premises, the instant writ petition has been filed before this Court.

6. Mr. A Deka, learned counsel for the petitioners submits that due to non-determination of the seniority list of the petitioners district-wise by taking into account their initial dates of appointment in the concerned schools and not publishing of the gradation list amongst the teachers of the subject post, the petitioners have been totally prejudiced.

7. Mr. B Talukdar, learned Standing counsel, Elementary Education Department, per contra, submits that he has received no instruction to oppose the prayer-A of the instant writ petition and fairly submits that this writ petition can be disposed of, by

directing the respondents authorities to determine the seniority of the petitioners district-wise, by taking into account the initial dates of appointment of the petitioners in the concerned schools.

8. Mr. A Deka, learned counsel for the petitioner accordingly concedes for disposing of the instant writ petition in terms of the submission made by the learned counsel for the respondent.

9. Having heard the learned counsels for the parties and also having perused the pleadings and keeping in mind the endorsements made by the learned counsels appearing for the contending parties, I am of the considered opinion that in the interest of justice, this writ petition can be disposed of, by directing the respondent authorities to take the necessary steps to determine the seniority of the petitioners district-wise by taking into account the initial dates of appointments of the petitioners in their concerned schools and also publish the gradation list amongst the teachers of the upper primary schools of Kamrup (R) district.

10. Ordered accordingly.

11. It is needless to be clarified that the entire exercise shall be carried out within a period of 60 days from the date of receipt of certified copy of this order.

12. With the above observation and direction, the instant writ petition, stands disposed of.

JUDGE

Comparing Assistant