

GAHC010242942022



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

Case No. : WP(C)/7626/2022

JIMPI BORAH
W/O SRI ANKUR SAIKIA R/O SANKARDEV PATH NEAR K G NURSING
HOME JAIL ROAD DIST. JORHAT ASSAM PIN-785001

VERSUS

THE STATE OF ASSAM AND 2 ORS
REP BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
EDUCATION ELEMENTARY DEPTT. DISPUR GUWAHATI, PIN-781006

2:THE DIRECTOR
STATE COUNCIL OF EDUCATION RESEARCH SCERT KAHILIPARA
GUWAHATI-781019

3:THE JOINT DIRECTOR
STATE COUNCIL OF EDUCATION RESEARCH JORHAT CAMPUS
JORHAT ASSAM PIN-78500

Advocate for the Petitioner : MR. U K NAIR

Advocate for the Respondent : SC, ELEM. EDU

Linked Case : WP(C)/2177/2021

JIMPI BORAH
W/O- SRI ANKUR SAIKIA
R/O- SANKARDEV PATH
NEAR K G NURSING HOME
JAIL ROAD
DIST.- JORHAT
ASSAM
PIN- 785001

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM
EDUCATION (ELEMENTARY) DEPTT.
DISPUR
GHY-06

2:THE DIRECTOR
STATE COUNCIL OF EDUCATIONAL RESEARCH (SCERT)
KAHILIPARA
GHY-19

3:THE JOINT DIRECTOR
STATE COUNCIL OF EDUCATIONAL RESEARCH
JORHAT CAMPUS
JORHAT
ASSAM
PIN- 785001

4:HEM CHANDRA RABHA
OFFICE OF THE DIRECTOR
SCERT
ASSAM
KAHILIPARA
GHY-19

Advocate for : MR A D CHOUDHURY
Advocate for : SC
ELEM. EDU appearing for THE STATE OF ASSAM AND 3 ORS

BEFORE

HON'BLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

10.08.2023

Heard Mr U K Nair, learned Senior Counsel assisted by Mr T Chakraborty, learned counsel for the petitioner. Also heard Mr N C Das, learned Senior Counsel, appearing on behalf of respondent No. 4 and Mr S Bora, learned Standing counsel appearing for the SCERT.

WP(C) No. 2177/2021 pertains to the challenge made to the promotion of the

private respondent from the post of LDA to the post of Research Assistant under SCERT. This Court had granted an interim order, while issuing notice, suspending the promotion made to the private respondent and the interim order still subsists. The private respondent has filed an interlocutory application, being I.A. No. 1070/2021, seeking vacation/modification and/or alteration of the interim order dated 26.03.2021, passed by this Court. The pleadings in WP(C) No. 2177/2021 are complete.

In WP(C) No. 7626 of 2022, the learned Standing Counsel, SCERT, Mr Bora submits that he requires a short date for filing affidavit. The said writ petition has been filed putting to challenge the compiled gradation list of Statistical Assistant, SCERT with the DIET, on the basis of which promotion of private respondent in WP(C) No. 2177/2021 was made and in that view of the matter, both the matters have been tagged together and an attempt was made to dispose of the matter, however, in the absence of the affidavit filed by the learned Standing Counsel, SCERT, the matter could not be disposed of today.

Accordingly, the learned Standing Counsel, SCERT, is directed to produce the connected records relating to the promotion made to the private respondent in WP(C) No. 2177 of 2021 as well as the order of amalgamation of Research Assistant of SCERT and DIET and the consequent preparation of the Gradation List to be produced before the Court on the next date fixed, on which date, an attempt will be made to dispose of the writ petitions.

Let the matter be listed on 31.08.2023.

The interlocutory application will also be taken up on the same day.

JUDGE

Comparing Assistant