

GAHC010259142025



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

**Case No. : WA/177/2026**

BIKASH DAS  
S/O- LATE TARAPADA DAS, RESIDENT OF - WARD NO.9, NETAJI NAGAR,  
PAL PARA, BONGAIGAON, ASSAM, PIN NO.-783380. DISTRICT-  
BONGAIGAON, ASSAM.

VERSUS

1: THE STATE OF ASSAM AND 3 ORS. REPRESENTED BY THE SECRETARY  
TO THE GOVT. OF ASSAM, EDUCATION SECONDARY DEPARTMENT,  
DISPUR, GUWAHATI-6.

2:THE DIRECTOR OF SECONDARY EDUCATION  
ASSAM KAHILIPARA GUWAHATI-19

3:THE INSPECTOR OF SCHOOLS BONGAIGAON DISTRICT  
CIRCLE-BONGAIGAON DIST- BONGAIGAON.

4:ABDUR REZZAQUE, M.A., B.ED.,  
SUBJECT TEACHER OF VIVEKANANDA VIDYAPITH HIGHER SECONDARY  
SCHOOL DISTRICT-BONGAIGAON PIN NO-783381

**For the Appellant(s)** : Mr. S.K. Das, Advocate.

**For the Respondent(s)** : Ms. R. Barua, Standing Counsel, Education (Secondary) Department  
for respondent Nos.1 to 3.

**- B E F O R E -**

**HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR**  
**HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY**

**15.06.2026**

*(Ashutosh Kumar, CJ)*

The appellant is aggrieved by the order dated 10.09.2024 passed  
by a learned Single Judge of this Court in WP(C) No.3898/2022, whereby

though the matter has been remanded to the Director of Secondary Education, Assam for consideration of the issue whether the appellant is entitled to be made the In-charge Principal as he is the senior-most person in the concerned School, but it was also observed alongside that the M.A. and B.Ed. Degrees obtained by the appellant were without permission from the competent authority.

Mr. S.K. Das, learned counsel for the appellant submits that this makes the remand heavily loaded against the appellant and to the advantage of the respondent No.4.

The appellant is a Teacher in Vivekananda Vidyapith Higher Secondary School in which other M.E. Schools have been amalgamated. The appellant had entered into service much earlier and had served different institutions at different points of time and later, those institutions were amalgamated into the Higher Secondary School in which the appellant is currently working. However, ignoring him, it is claimed by the appellant, the respondent No.4 was made the In-charge Principal by the Inspector of Schools on 30.05.2022.

The claim of the appellant is that his entire service should have been counted for determining his seniority.

For the aforesaid purpose, he had filed the writ petition, referred to above, before this Court with a grievance that his previous service in M.E. School, before its amalgamation in the present Higher Secondary School, has been completely overlooked.

Before the Writ Court, the decision not to make the appellant as In-charge Principal of the said School was defended by the concerned respondent on the ground that the degrees obtained by the appellant

were without proper permission from the competent authority and only, therefore, his seniority was ignored.

Based on such assertions, the learned Single Judge though remanded the matter, but with the observation that the appellant did not have valid Degrees.

The appellant has seriously questioned such observation, while remand, on grounds of same being factually incorrect as also with respect to the propriety to be followed in judicial orders at the time of remand.

Issue notice to the respondents.

Ms. R. Barua, learned Standing Counsel, Education (Secondary) Department, accepts notice on behalf of the respondent Nos.1 to 3, who shall also put in her response, if so deemed necessary, on or before the next date.

Let notice be also issued to the respondent No.4, on steps being taken by the appellant within a period of 2(two) weeks by both modes, i.e. by Speed Post as well as by usual process, returnable on **23.09.2026**.

Let *dasti* notice also be served upon the respondent No.4, subject to the appellant filing requisites in the Registry, whereupon he shall be given the format of notice to be served upon the respondent No.4.

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**