

GAHC010261892025



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

Case No. : WP(C)/6946/2025

SHAMIM AHMED
S/O LATE KARAMAT ALI, R/O VILL. THALGAON, P.O. RATABARI 788735,
DIST. SRIBHUMI, ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECY. TO THE GOVT. OF
ASSAM, DEPTT. OF SCHOOL EDUCATION, DISPUR, P.O. GUWAHATI 781006

2:THE DIRECTOR OF ELEMENTARY EDUCATION

GOVT. OF ASSAM
KAHILIPARA
GUWAHATI 19

3:THE UNION OF INDIA

REPRESENTED BY THE SECY .TO THE MINISTRY OF HUMAN RESOURCE
DEVELOPMENT DEPTT. OF SCHOOL EDUCATION AND LITERACY 122-C
SASTRI BHAWAN
NEW DELHI 01

4:THE NATIONAL COUNCIL FOR TEACHERS EDUCATION

G-7
SECTOR 10
DWARKA
NEW DELHI 110075

5:THE SAMAGRA SIKSHA ASSAM (SSA)
KAHILIPARA

GUWAHATI 1

Advocate for the Petitioner : A B T HAQUE,

Advocate for the Respondent : SC, ELEM. EDU, DY.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 19.03.2026

Heard Mr. A. B. T. Haque, learned counsel for the petitioner.

It is the case of the petitioner that pursuant to the Advertisement dated 26.12.2023, he had applied for the post of Assistant Teacher in Upper Primary School. The name of the petitioner was found place in the provisional list for the District of Sribhumi at Sl. No. 15 with a remark "NIOS Withheld". Thereafter, vide notice dated 25.09.2025, the respondent authorities have directed all the candidates, who have submitted their documents of Diploma in Elementary Education from NIOS, to submit the UDISE Code as well as the name of the working School. Accordingly, the petitioner submitted his UDISE Code and the name of the working School as on 10.08.2017. The petitioner submits that the required information as directed by the respondent authorities vide notice dated 11.10.2025. However, in the final result of the Assistant Teacher of Upper Primary School of Sribhumi District dated 07.11.2025, the name of the petitioner was omitted.

It is submitted by Mr. Haque, learned counsel for the petitioner, that since

the petitioner is eligible in all respect to be appointed as Assistant Teacher of Upper Primary School, which was provisionally selected with a remark of "NIOS Withheld" and subsequently the petitioner having been submitted all the required documents and the UDISE Code in terms of the notice issued by the respondent authorities, non-selection of the petitioner is illegal.

This Court on 19.12.2025 directed the learned Standing Counsel to obtain instruction as to whether any post is lying vacant. Today, Mr. P. K. Borah, learned Standing Counsel, Elementary Education Department, submits that all the posts have already been filled up and there is no vacancy.

Having considered the submission of learned counsel for the petitioner, I deem it appropriate to issue notice.

Accordingly, let notice be issued, returnable by 4 (four) weeks.

Since Mr. P. K. Borah, learned Standing Counsel, Elementary Education Department, enters appearance and accepts notice on behalf of respondent Nos. 1 & 2, no formal notice need be served upon the said respondents. However, he shall be furnished with requisite extra-copy of the petition, if not already furnished.

The petitioner to take steps for service of notice upon respondent Nos. 3, 4 & 5 by speed post as well as through usual process within 3 (three) working days from today.

List the matter after 4 (four) weeks.

JUDGE

Comparing Assistant