

GAHC010262152025



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

Case No. : WP(C)/6920/2025

SMT KAKOLI DEB
W/O SRI SANJIB DAS, SUBJECT TEACHER (LOGIC AND PHILOSOPHY),
PM SHRI JUDHISTHIR SAHA H.S. SCHOOL,
BEHARA BAZAR, DIST- CACHAR,
ASSAM, PIN-788817

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION,
DISPUR, GUWAHATI, PIN-781006

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILLIPARA
GUWAHATI - 781019

3:THE INSPECTOR OF SCHOOL
CDC
CACHAR
SILCHAR
ASSAM
PIN-78800

Advocate for the Petitioner : MR M CHANDA, MR. R GHOSH,MS. K BHATTACHARYYA,DR
G J SHARMA

Advocate for the Respondent : SC, SEC. EDU.,

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN
ORDER

08.12.2025

Heard Mr. G.J. Sharma, learned counsel for the petitioner and also heard Mr. S.M.T. Chistie, learned standing counsel, Secondary Education Department, appearing for the respondents.

In this petition under Article 226 of the Constitution of India, the petitioner has challenged the order dated 27.08.2025 and also prayed for issuing direction to the respondent to give effect of the order dated 19.07.2025 and to allow the petitioner to act as the Principal-in-Charge of P.M. Shri Judhisthir Saha H.S. School, Behara Bazar, Cachar and also for issuing direction to the respondents to consider the petitioner for being promoted to the post of Principal in any provincialized Higher Secondary School against available vacancy.

The learned counsel for the petitioner submits that the petitioner is the most eligible teacher for being appointed to the post of Principal and that the post of Principal of P.M. Shri Judhisthir Saha H.S. School, Behara Bazar, Cachar, is lying vacant since the year 2021 and that the respondent authorities have not taken any initiative to fill up the said post as per provision of the Rule 12 of the Assam Secondary Education (Provincialized Schools) Service Rules, 2018. Besides, the petitioner was allowed to hold the post of Principal-in-Charge, vide order dated 19.07.2025, but, subsequently, vide impugned order dated 27.08.2025 the said order has been kept in abeyance until further order.

Under such circumstances, learned counsel for the petitioner has prayed for setting aside the impugned order dated 27.08.2025 and also to issue direction to the respondent authorities to appoint the petitioner as Principal in any Higher Secondary School.

The submission of learned counsel for the petitioner needs further consideration.

At this stage, notice be issued to the respondents, returnable within 4(four) weeks.

No formal notice is required to be issued to the respondents, as all the respondents are represented by Mr. Chistie. However, extra requisite copy of the petition be served upon him, during the course of the day.

List the matter after 4(four) weeks.

In the meantime, Mr. Chistie shall file affidavit-in-opposition making the stand of the department clear in this petition.

Sd/- *Robin Phukan*
JUDGE

Comparing Assistant