

GAHC010081082020



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

WP(C)/4291/2017

BIJON NATH
S/O BISHWAMBHAR NATH
B.SC.
MA
B.ED.
PRINCIPAL SWARNA LAKSHMI HS SCHOOL
NARSHINGPUR
VILL and PO- NARSHINGPUR
PS-SONAI
DIST. CACHAR
ASSAM
PIN-788115

VERSUS

THE STATE OF ASSAM and 6 ORS.
REP. BY COMMISSIONER and SECRETARY
TO THE GOVT. OF ASSAM
DPETT. OF SECONDARY EDUCATION
DISPUR
GUWAHATI
ASSAM
PIN-781006

2:THE DIRECTOR OF SECONDARY EDUCATION CUM MEMBER SECRETARY
STATE SELECTION BOARD
ASSAM
KAHILIPARA
GUWAHATI
ASSAM
PIN-781019
3:THE INSPECTOR OF SCHOOLS
CDC

SILCHAR
PO and DIST. CACHAR
ASSAM
4:THE NATIONAL COUNCIL FOR TEACHER EDUCATION
EASTERN REGIONAL COMMITTEE
REP. BY ITS REGIONAL DIRECTOR

15
NILAKANTHA NAGAR
NAYAPALLI BHUBANESWAR
ORISSA PIN-751012

5:THE ASSAM UNIVERSITY
SILCHAR
REP. BY ITS REGISTRAR/ CONTROLLER OF EXAMINATION

SILCHAR
CACHAR
ASSAM
PIN-788014

6:THE DR. SHASHI BHUSAN INSTITUTE OF EDUCATION B.ED. COLLEGE
LAKSHIRBOND
BOALIPAR BAZAR
HAILAKANDI
REP. BY ITS PRINCIPAL
DIST. HAILAKANDI
ASSAM
PIN-788155
7:SMTI GEETASHREE DAS

SUBJECT TEACHER
ENGLISH
SWARNA LAKSHMI HIGHER SECONDARY SCHOOL
PO-NARSINGPUR
PS-SONAI
DIST. CACHAR
ASSAM
PIN-788115

Advocate for : MR.A K DUTTA
Advocate for : SC

ASSAM UNIVERSITY appearing for THE STATE OF ASSAM and 6 ORS.

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

29-08-2023

Heard Shri B. Purkayastha, learned counsel for the petitioner and also heard Ms. S. Terangpi, learned Standing Counsel, Secondary Education Department is present for the respondent nos. 1, 2 & 3; Shri M. H. Borbhuiya, learned Standing Counsel, NCTE is for the respondent no. 4; Ms. R. Deka, learned Standing Counsel, Assam University is present for respondent no. 5; Shri S. K. Das, learned counsel is present for the respondent no. 7 whereas none has appeared for the respondent no. 6-Institute.

2. Considering the subject matter of this case which is pending since the year 2017 and also the development which has taken place during the pendency, this writ petition is taken up for disposal at the admission stage.

3. The grievance of the petitioner is with regard to the benefits granted to the respondent no. 7 on the basis of a B.Ed. Certificate which according to the petitioner is invalid. It is the projected case of the petitioner that the respondent no. 7 had applied for the post of Principal of the Swarna Lakshmi Higher Secondary School, Narshingpur in the district of Cachar along with the petitioner. In the said selection, the petitioner was initially appointed on 02.05.2017. However, the said selection was the subject matter of challenge in a writ petition instituted by the present respondent no. 7 being WP(C) No. 2706/2017. In the said writ petition, though an order of *status quo* was granted, it is the case of the petitioner that he had joined the services and therefore had continued. The petitioner's case is that subsequently he could learn that the B.Ed. Certificate of the respondent no. 7 from the erstwhile Hailakandi B.Ed. College is not valid. The said College which was later on named as Dr. Shashi Bhusan Institute of Education had issued such certificate even prior to the recognition by the NCTE Act. The present case was thereafter instituted for a direction that any

benefits granted to the respondent no. 7 on the strength of such B.Ed. Certificate should be withdrawn.

4. Shri Purkayastha, the learned counsel for the petitioner has however fairly submitted that the petitioner had retired from service in the meantime. At the same time, Shri S. K. Das, the learned counsel for the respondent no. 7 has submitted that the writ petition instituted by him that the earlier WP(C) No. 2706/2017 was ultimately allowed on 13.02.2019 and thereafter, the petitioner was reverted to the post of Graduate Teacher from which post he had retired from service.

5. Considering that the relief claimed in this writ petition is only for withdrawing any benefits which have accrued to the respondent no. 7 on the strength of the B.Ed. Certificate which has been questioned and the petitioner has also retired from service in the meantime, this Court is of the considered opinion that no fruitful purpose would be served by continuing this petition. This Court is also of the opinion that the petitioner would not get anything tangible by continuing with such challenge, which has only become academic in nature.

6. In view of the above, the instant writ petition is closed. It is however made clear that no observation is made on the merits of the challenge.

JUDGE

Comparing Assistant