

GAHC010035372023



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

**Case No. : WP(C)/1452/2023**

JINNAT REHANA AND 11 ORS.  
W/O- ABDUL GAFURPARMANIK, R/O- VILL- KAIMARI, P.S. GOLAKGANJ,  
DIST.- DHUBRI, ASSAM

2: PALLABI ROY  
D/O- LT. DHIRENDRA NATH ROY  
R/O- VILL- SOUTH KACHKHANA  
TAMARHAT  
DIST.- DHUBRI  
ASSAM

3: SANTAPRIYA GOGOI  
D/O- PRABUTRA GOGOI  
R/O- VILL- PANDHUWAGAON  
P.O. TENGARKHAT  
DIST.- DIBRUGARH  
ASSAM

4: TULIKA ROY  
D/O- BIRAJ MOHAN ROY  
R/O- BILASHIPARA TOWN  
WARD NO.8  
DIST. DHUBRI  
ASSAM

5: KARABI BARUAH  
D/O- THAGIT CHANDRA BARUAH  
R/O- VILL- BHALUKMARI  
P.O. GOSAIBORI  
DIST.- NAGAON  
ASSAM

6: SABINA YASMIN  
D/O- LIAQUAT ALI TALUKDAR

R/O- VILL- ROWMARI  
P.S. AND DIST.- BARPETA  
ASSAM

7: NAZMUN AHMED  
D/O- ABDUL GOFUR AHMED  
R/O- VILL- FEKAMARI PART-II  
P.O. FEKAMRI  
P.S. SOUTH SALMARA  
DIST.- SOUTH SALMARA MANKACHAR  
ASSAM

8: SHARMIN HUSSAIN SARKAR  
D/O- SAYED HUSSAIN SARKAR  
R/O- VILL- CHARBARI  
P.S. MANKACHAR  
DIST.- SOUTH SALMARA MANKACHAR  
ASSAM

9: MAUSAMI ROY  
D/O- LATE AKHIL CHANDRA PRODHANI  
R/O- P.O. BISHKHOWA IN THE DISTRICT OF DHUBRI  
ASSAM

10: KARISHMA BEGUM  
D/O- ABDUL KADER MANDAL  
R/O- VILL- FULERAHAR IN THE DISTRICT OF SOUTH SALMARA  
MANKACHAR  
ASSAM

11: FARHANA PARBEEN BARBHUYAN  
D/O- HABIB ULLAH  
R/O- VILL- BILOTIA NO. 1  
P.O. DHING  
P.S. BELSOR  
DIST.- NAGAON  
ASSAM

12: DARSHANA DAS  
C/O- BIJU NATH  
R/O- VILL- JAGARA IN THE DISTRICT OF NALBARI  
ASSA

VERSUS

THE STATE OF ASSAM AND 25 ORS.  
REP. BY THE COMM. AND SECY. TO GOVT. OF ASSAM EDUCATION DEPTT.  
(SECONDARY), DISPUR, GUWAHATI-6

2:THE MISSION DIRECTOR  
SAMAGRASHIKSHA  
ASSAM  
KAHILIPARA  
GUWAHATI-19

3:THE DISTRICT MISSION CO-ORDINATOR  
SAMAGRASHIKSHA  
DHUBRI  
P.O.  
P.S. AND DIST.- DHUBRI  
ASSAM  
PIN- 783301

4:THE DISTRICT MISSION CO-ORDINATOR  
SAMAGRA SHIKSHA  
SOUTH SALMARA  
MANKACHAR  
P.O.  
P.S. AND DIST.- SOUTH SALMARA  
MANKACHAR ASSAM  
PIN- 783135

5:THE DISTRICT MISSION CO-ORDINATOR  
NAGAON  
P.O.  
P.S. AND DIST.- NAGAON  
ASSAM  
PIN- 782122

6:THE DISTRICT MISSION CO-ORDINATOR  
NAGAON  
P.O.  
P.S. AND DIST.- NALBARI  
ASSAM  
PIN- 781335

7:THE DEPUTY COMMISSIONER  
DHUBRI  
P.O.  
P.S. AND DIST.- DHUBRI  
ASSAM  
PIN- 783301

8:THE DEPUTY COMMISSIONER  
SOUTH SALMARA  
MANKACHAR

P.O.  
P.S. AND DIST.- SOUTH SALMARA  
MANKACHAR  
ASSAM  
PIN- 783135

9:THE DEPUTY COMMISSIONER  
NAGAON  
P.O.  
P.S. AND DIST.- NAGAON  
ASSAM  
PIN- 782122

10:THE DEPUTY COMMISSIONER  
NAGAON  
P.O.  
P.S. AND DIST.- NALBARI  
ASSAM  
PIN- 781335

11:THE BLOCK MISSION CO-ORDINATOR  
P.O.  
P.S. AND DIST.- DHUBRI  
ASSAM  
PIN- 783301

12:THE BLOCK MISSION CO-ORDINATOR  
P.O.  
P.S. AND DIST.- SOUTH SALMARA MANKACHAR  
ASSAM  
PIN- 783135

13:THE BLOCK MISSION CO-ORDINATOR  
P.O.  
P.S. AND DIST.- NALBARI  
ASSAM  
PIN- 781335

14:THE BLOCK MISSION CO-ORDINATOR  
P.O.  
P.S. AND DIST.- NAGAON  
ASSAM  
PIN- 782122

15:JESMINA HUSSAIN  
WARDEN CUM SUPERINTENDENT  
KGBV  
GAURIPUR

DIST.- DHUBRI  
ASSAM  
PIN- 783324

16:RANJITA ROY  
WARDEN CUM SUPERINTENDENT  
KGBV  
GOLAKGANJ  
DIST.- DHUBRI  
ASSAM  
PIN- 783334

17:RUKSHAN SULTANA  
WARDEN CUM SUPERINTENDENT  
KGBV  
BIRSHINGJARUA  
DIST.- DHUBRI  
ASSAM  
PIN- 783330

18:BEGUM FATEMA MANSURA  
WARDEN CUM SUPERINTENDENT  
KGBV  
MANKACHAR  
DIST.- SOUTH SALMARA  
ASSAM  
PIN- 783131

19:TASMIN BEGUM  
WARDEN CUM SUPERINTENDENT  
KGBV  
NAYER ALGA  
DIST.- DHUBRI  
ASSAM  
PIN- 783348

20:SEMINA PARBIN  
WARDEN CUM SUPERINTENDENT  
KGBV  
BILASIPARA  
WARDEN CUM SUPERINTENDENT  
DIST.- KOKRAJHAR (ASSAM) PIN- 783360

21:DILRUBA YASMIN  
WARDEN CUM SUPERINTENDENT  
KGBV  
SOUTH SALMARA  
DIST.- SOUTH SALMARA

ASSAM  
PIN- 783127

22:SABINA HUSSAIN  
WARDEN CUM SUPERINTENDENT  
KGBV  
FEKAMARI  
DIST.- SOUTH SALMARA  
ASSAM  
PIN- 783135

23:ANULATA ROY  
WARDEN CUM SUPERINTENDENT  
KGBV  
RUPSHI  
DIST.- DHUBRI  
ASSAM  
PIN- 783331

24:MINAMONI PEGU  
WARDEN CUM SUPERINTENDENT  
KGBV  
MOIRABARI  
DIST.- MORIGAON  
ASSAM  
PIN-

25:NAZMINA KHATUN  
WARDEN CUM SUPERINTENDENT  
KGBV  
JURIA  
DIST.- NAGAON  
ASSAM  
PIN- 782124

26:NILIMA BEGUM  
WARDEN CUM SUPERINTENDENT  
KGBV  
BORKHETRI  
DIST.- NALBARI  
ASSAM  
PIN- 78113

**Advocate for the Petitioner : MR. U K NAIR**

**Advocate for the Respondent : GA, ASSAM**

**BEFORE  
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

**ORDER**

**17.03.2023**

Heard Mr. U K Nair, learned Senior counsel assisted by Mr. N Alam R K, learned counsel for the petitioners and Ms. N Phukan, learned Standing counsel, Department of School (Secondary) Education, Assam for the respondent No. 1. Also heard Mr. P Nayak, learned Standing counsel, Samagra Siksha Assam for the respondent Nos. 2 to 6 and 11 to 14 as well as Mr. G Bokalia, learned Government Advocate, Assam for the respondent Nos. 7 to 10.

It is stated that the 12 petitioners are serving as Head Teachers on contractual basis in various Kasturba Gandhi Balika Vidyalayas (KGBV in short) under Samagra Siksha Assam in various districts of the State of Assam.

KGBVs are residential schools for girls belonging predominantly to the SC, ST, OBC and minorities in difficult areas and run as a separate scheme but in harmony with Sarba Siksha Abhijan (SSA), National Programme for Education of Girls at elementary level and Mahila Smakhya etc. and since 1<sup>st</sup> April, 2017 merged with the SSA programme.

Petitioners submitted that vide Notification No. SSA/Girls Education/315/2008/Pt-II/18 dated 04.04.2022 the Mission Director, Samagra Siksha Assam notified that the post of Warden cum Assistant Teacher in KGBV (Type I, II & III) has been re-designated as Warden cum Superintendent, where the Warden cum Superintendent will be the overall In-charge of respective KGBVs, intimating further that the said notification will come into force with immediate effect.

By Notification dated 06.12.2022, the Officer on Special Duty (OSD) of the SSA, Assam notified all the Mission Coordinators of the districts of Assam under Samagra Siksha Assam that the Head Teacher engaged in KGBV Type-III should be given responsibility exclusively for academic activities like classroom transactions, evaluation, remedial teaching and all works related to academic performances of the children to ensure effective teaching learning process of the KGBVs.

By the said Notification dated 06.12.2022, the OSD to the Samagra Siksha Assam also intimated that Warden cum Superintendent, overall In-charge of KGBVs will monitor and report on assigned responsibility of all staff in KGBVs in addition to their responsibilities of teaching and that any report, information regarding KGBV will be certified and submitted to authority by the Warden cum Superintendent of the respective KGBVs.

Petitioners submitted that the respondent Nos. 15 to 26 are serving as Warden cum Superintendents in the concerned KGBVs.

It is stated that since the petitioners are serving as the Head Teachers of the concerned KGBVs under the Samagra Siksha Assam, it is them who should have the full rights to manage the affairs of the institutes, but without considering their status, the respondent authorities in the Samagra Siksha Assam and SSA, Assam by the Notifications dated 04.04.2022 and 06.12.2022, noted above, allowed the respondent Nos. 15 to 26 to look after the affairs of the concerned KGBVs.

It is also submitted by the petitioners that being aggrieved with those Notifications dated 04.04.2022 and 06.12.2022, the petitioners jointly submitted an appeal before the Mission Director, Samagra Siksha Assam on 23.12.2022 stating their grievances, which is yet to be considered by the said authority.

On the other hand, Mr. P Nayak, Standing counsel, Samagra Siksha Assam by placing the revised guideline for implementation of Kasturba Gandhi Balika Vidyalaya Scheme submitted that under the heading "Selection of Teaching and Non-Teaching Staff", though (a) Warden cum Teacher, (b) Full Time Asstt. Teacher/Part Time Asstt. Teacher, (c) Account Asstt. cum Caretaker, (d) Peon cum Matron, (e) Head Cook, (f) Helper Cook, (g) Chowkidar cum Mali have been incorporated but post of Head Teacher/Principal in KGBVs have not been included under the said heading.

Further, from the said KGBV Scheme annexed by the petitioner in this petition, Mr. Nayak placed that there are specific responsibilities for the Warden cum Teacher, Full Time Asstt. Teacher/Part Time Asstt. Teacher, Account Asstt. cum Caretaker etc. including the Headmaster and therefore, the authorities in the Assam Sarba Siksha Abhiyan Mission vide Notification dated 10.01.2022 have incorporated one Head Teacher in each of the KGBV

Type-III.

According to Mr. Nayak, Standing counsel, Samagra Siksha Assam the post of Headmaster in the KGBV under the Samagra Siksha Assam has been created on 10.01.2022 though engaged only on August, 2022 after coming into force of the said Notification dated 04.04.2022, by which the post of Warden-cum- Assistant Teacher in KGBVs has been re-designated as Warden-cum- Superintendent, changing its nomenclature.

After hearing the learned counsels for the parties and considering the entire aspect of the matter, this writ petition is disposed of directing the Mission Director, Samagra Siksha Assam, respondent No. 2 to dispose of the representation/appeal of the petitioners dated 23.12.2022, with a reasoned order on or before 31.05.2023, if so required by giving an opportunity of hearing to the petitioners, the private respondent Nos. 15 to 26 as well as the respondents in the Samagra Siksha Assam, intimating them about the outcome of the same.

Petitioners shall submit a certified copy of this order along with a copy of the said representation dated 23.12.2022 before the Mission Director, Samagra Siksha Assam within a week from the date of its receipt, obtaining necessary acknowledgment from the said authority in that regard.

**JUDGE**

**Comparing Assistant**