

GAHC010051702023



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

Case No. : WP(C)/1356/2023

KASHMIRI DAS AND 100 ORS
D/O. SRI. MANIK CH. DAS,
VILL. SIALMARI, P.O. BIJNI,
DIST. CHIRANG, ASSAM, PIN- 783390

2: KARISHMA DAS
D/O. SRI. PUNA DAS

R/O. RAHA TOWN
WARD NO. 05

P.O. RAHA

DIST. NAGAON
ASSAM
PIN- 782103

3: HIROKJYOTI BARMAN
S/O. LT. KRISHNA KANTA BARMAN

VILL. DINGAON
P.O. FAKIRAGRAM

DIST. KOKRAJHAR
ASSAM
PIN-783345

4: SUMITRA PAUL
D/O. SANJIB KUMAR PAUL

VILL. BOR ERA GAON
P.O. TITABAR

DIST. JORHAT

ASSAM
PIN-785630

5: DHRITISMITA DAS
D/O. DULAL CH. DAS

R/O. TIHU TOWN
W/ NO. 1
P.O. TIHU

DIST. NALBARI
ASSAM
PIN- 781371

6: LUIT PROTIM BORAH
SON OF LOK NATH BORAH

VILL. LAKHIBARI
P.O. LAKHIBARI

DIST. GOLAGHAT
ASSAM
PIN- 785603

7: BARASHA SONOWAL
D/O. DINA NATH SONOWAL

VILL. NA ALI MAJ GAON

P.O. CHARAIMORIA

DIST- LAKHIMPUR
ASSAM
PIN -787032

8: LINTU KUMAR GOGOI
S/O. LT. NARAYAN CHANDRA GOGOI

VILL. RUPNAGAR
K.B. ROAD

WARD NO.11
P.O- NORTH LAKHIMPUR

DIST. LAKHIMPUR
ASSAM
PIN -787001

9: KARABI DEKA
D/O. SAMINDRA DEKA

VILL. BARPATHAR
P.O. BARPATHAR

DIST. BAKSA
ASSAM
PIN -781364

10: RAHUL ISLAM
SON OF SOFIQUL ISLAM

VILL. BEPARIPARA PT. 1

P.O. MANKACHAR

DIST. SOUTH SALMARA MANKACHAR

ASSAM
PIN - 783131

11: BORNALI CHABUKDHARA
D/O. NAREN CHABUKDHARA

VILL. GAYANGAON
P.O. KARCHOWA

DIST. SIVASAGAR
ASSAM
PIN -785684

12: SENEHI BEGUM
D/O. BAHIRUDDIN AHMED

R/O. H. NO.80
W/NO. 8
P.O. HAKAMA
DIST. DHUBRI
ASSAM
PIN -783348

13: MANIR HUSSAIN
SON OF SHAJAHAN ALI

VILL. BUNMAJA GAON

P.O. BILASHIPARA BAZAR

DIST. BAKSA
ASSAM
PIN -781315

14: ANURADHA RABHA
D/O. BHARAT CHANDRA RABHA
VILL. TILAPARA
P.O. DARANGGIRI

DIST. GOALPARA
ASSAM
PIN -783134

15: ABHIJIT DEV NATH
S/O. PURNA KANTA NATH

VILL. GUHAGAON
P.O. GUSAIGAON

DIST. WEST KARBI ANGLONG

ASSAM
PIN - 782446

16: MD ZINARUL SK
SON OF BILLAL SK

VILL. FULERCHAR PT-3
P.O. FULERCHAR

DIST. SOUTH SALMARA MANKACHAR

ASSAM
PIN -783135

17: PALLABEE BHUYAN
D/O. HARI NARAYAN BHUYAN

VILL. BOWALGURI
P.O. BOGOLIJAN

DIST. LAKHIMPUR
ASSAM
PIN -787031

18: ASHIM RANJAN CHETIA
SON OF SRI. KHIROD CHETIA

VILL. CHETIA GAON
P.O. DHAKUAKHANA

DIST. LAKHIMPUR
ASSAM
PIN -787055

19: PALLABI SONUWAL
D/O. PROBON SONUWAL

VILL. UDAYPUR
P.O. DEKAPAM

DIST. DHEMAJI
ASSAM
PIN -787061

20: PARISMITA BORAH
D/O. BHARAT BORAH

VILL. KHALIHAMARI
P.O. NOWBOICHA

DIST. LAKHIMPUR
ASSAM
PIN -787023

21: SIDDHARTHA SANKAR BORAH
S/O. LT. TARUN CHANDRA BORAH

VILL. KHARAGORUAH GAON

P.O. REGIONAL RESEARCH LABORATORY

DIST. JORHAT
ASSAM
PIN -785006

22: PRIYANKA DAS
D/O. PROMOD DAS

VILL. GUALTUP
P.O. OATING

DIST. GOLAGHAT
ASSAM
PIN -785603

23: JUWEL HAQUE
SON OF JAMAL ALI

VILL. NIZ -JULUKI
P.O. BARAMA

DIST. BAKSA
ASSAM
PIN -781346

24: SUSHMITA DEVI
D/O. MONMOHAN DEV NATH

VILL. HATIGHULI GAON
P.O. HATIGHULI

DIST. SIVASAGAR
ASSAM
PIN -785664

25: PRANJAL BORUAH
S/O. SURESH BORUAH

VILL. MILAN NAGAR
WARD NO -10

P.O. NORTH LAKHIMPUR

DIST. LAKHIMPUR
ASSAM
PIN -787001

26: BHANITA HAZARIKA
D/O. MAHESWAR HAZARIKA

VILL. OUJARI
P.O. BAGHARA

DIST. MORIGAON
ASSAM
PIN -782105

27: DHARITRI CHOUDHURY
D/O. KARUNA CHOUDHURY

VILL. AND P.O. AMRANGA

DIST. KAMRUP
ASSAM
PIN -781125

28: SAUROBH JYOTI BORUAH
S/O. MOHENDRA BORUAH

VILL. BELIMUKHIA CHANGMAI

P.O. NAMTI PATHER

DIST. SIVASAGAR
ASSAM
PIN -785684

29: ISHANI BURAGOHAIN
D/O. PRODIP BURAGOHAIN

VILL. PARBOTIPUR
P.O. SONARI

DIST. CHARAIDEO
ASSAM
PIN -785690

30: JUBIN NAHAR
D/O. ABDUL KADER MONDAL

VILL. BAPUJINAGAR
P.O. GOALPARA

DIST. GOALPARA
ASSAM
PIN -783101

31: SAMIUL ISLAM
SON OF REAJ ALI

VILL. GERAMARI PT-1
P.O. GERAMARI

DIST- DHUBRI
ASSAM
PIN -783339

32: MANOBI DEVI
D/O. NABA BARUAH

VILL. KHAROIGURI
P.O. KHAROIGURI

DIST. BISWANATH
ASSAM
PIN -784169

33: RIMLEE BORA
D/O. ROMESH BORA

VILL. NO.2 SIALEKHATI
P.O. KACHARIHAT

DIST. GOLAGHAT
ASSAM
PIN -785702

34: PURNIMA BASUMATARY
D/O. DILIP BASUMATARY

VILL. SANKARDEV NAGAR

P.O. NATUAGAON

DIST. MORIGAON
ASSAM
PIN -782105

35: SUMI MUDOI
D/O. BHUMIRAM MUDOI

VILL. SONALI BORI
P.O. BORDUP

DIST- BISWANATH
ASSAM
PIN -784178

36: M. WASHIM AKRAM SARKAR
S/O. ABDUL AWAL SARKAR

VILL. JHAPUSABARI PART-2

P.O. JHAPUSABARI

DIST. DHUBRI
ASSAM
PIN -783335

37: MEHNAZ ALFARUQUE
D/O. MOSADDEQUE ALFARUQUE

VILL. DHUBRI PART-2
P.O. DHUBRI

DIST. DHUBRI
ASSAM
PIN -783301

38: AKASH THAKUR
S/O. KRISHNA THAKUR

VILL. RUNGAGHAR DIVISION

P.O. BORGANG

DIST. BISWANATH
ASSAM
PIN -784167

39: TAPAN HAZARIKA
S/O. RASHESWARI HAZARIKA

VILL. MAJIKUCHI
P.O. MAJIKUCHI

DIST. BISWANATH
ASSAM
PIN -784178

40: RASHMITA DEVI
D/O. KAMAL NATH ADHIKARI

VILL. GADHARIA BASTI
P.O. GAMIRI

DIST. BISWANATH
ASSAM
PIN -784172

41: SAYANIKA BEYPI
D/O. NAREN SINGH BEY

VILL. AMOLAPATTY
P.O. ITACHALI

DIST. NAGAON
ASSAM
PIN -782003

42: ANKITA BORAH
D/O. DEBENDRA NATH BORAH

VILL. CHANDMARI
P.O. MERBIL

DIST. LAKHIMPUR
ASSAM
PIN -784160

43: KUNTALA DUTTA
D/O. LT. DINA DUTTA

VILL. PANIGAON
P.O. PANIGAON

DIST. LAKHIMPUR
ASSAM
PIN -787052

44: CHAMPAK BORA
SON OF DURLAV BORA

VILL. CHAGALI CHUBURI
P.O. BIHAGURI

DIST. SONITPUR
ASSAM
PIN -784153

45: DIBYASHREE BORAH
D/O. DIMBESWAR BORAH

VILL. AND P.O. DIMORUGURI

DIST. NAGAON
ASSAM
PIN -782003

46: AJOY SARMA
S/O. JIBAN CHANDRA SARMA

VILL. MOHMARIA
P.O. DAKARGHAT

DIST. NAGAON
ASSAM
PIN -782003

47: ANSHUMITA GOGOI
D/O. SUSHIL GOGOI

VILL. DOHUTIA
P.O. NAKACHARI

DIST. JORHAT
ASSAM
PIN -785635

48: RUPSHREE HANDIQUE
D/O. LAKHIRAM HANDIQUE

VILL. SANTAPUR
P.O. LAHOLIAL

DIST. LAKHIMPUR
ASSAM
PIN -784161

49: CHAMINDRINA BORA
D/O. SRI. SUREN BORA

VILL. DIPHALU
P.O. ITACHALI

DIST. NAGAON
ASSAM
PIN -782003

50: BARNALI TIMUNG
D/O. MOHAN TIMUNG

VILL. KALAHANDI
P.O. TINISUTI

DIST. BISWANATH
ASSAM
PIN -784173

51: GITASHREE GOGOI
D/O. MOHENDRA GOGOI

VILL. TENGAPUKHURI DUWARAH GAON

P.O. TENGAPUKHURI

DIST. SIVASAGAR
ASSAM
PIN -785686

52: RITUPARNA SAIKIA
D/O. PRABIN SAIKIA

VILL. RABARCHAPORI
P.O. MODHUPUR

DIST. LAKHIMPUR
ASSAM
PIN -787033

53: SIMI HATIMURIA
D/O. ROBIN HATIMURIA

VILL. SILASAKU LAHON GAON

P.O. MATHURAPUR

DIST. SIVASAGAR
ASSAM
PIN -785686

54: SIMANTA DEKA
S/O. NILADHAR DEKA

VILL. ICHADHAGARIA
P.O. KANIHA

DIST. KAMRUP
ASSAM
PIN -781380

55: NIKEE KOWAR
S/O. PRABIN CH. KOWAR

VILL. BOARDING ROAD
P.O. NAZIRA

DIST SIVSAGAR
ASSAM
PIN -785685

56: PANKHI KOWAR
S/O. PRABIN CH KOWAR

R/O. BOARDING ROAD
P.O. NAZIRA

DIST. SIVSAGAR
ASSAM
PIN -785685

57: HIMANGSHU KALITA
S/O. PINAK KALITA

R/O. RANGIA TOWN
P.O. RANGIA

DIST. KAMRUP
ASSAM
PIN -781354

58: RAJASHREEYAM DAS
D/O. RUNUMAI DAS

VILL. BACHAGAON
K.B. ROAD

P.O. PANIGAON

DIST. LAKHIMPUR
ASSAM
PIN -787052

59: SANGHAMITRA BARUAH
D/O. BIPUL BARUAH

VILL. CHANDRAPUR
P.O. CHANDRAPUR

DIST. KAMRU (M)
ASSAM
PIN-781150

60: MANISHA KASHYAP
D/O. MUNINDRA SAIKIA

VILL. KHUTIKATIA
P.O. SENCOWA

DIST. NAGAON
ASSAM
PIN -782002

61: NASIR MAHMUD
S/O. SULTAN MAHMUD

VILL. KAMALPUR PAM
P.O. BARBALA

DIST. BARPETA
ASSAM
PIN -78316

62: SHAMIUN NAHAR
D/O. ALI HUSSEIN

VILL. CHAKIR BHITHA
P.O.KHABLAR BHITHA
DIST. BARPETA
ASSAM
PIN -781352

63: DIKSHITA KALITA
D/O. MAHENDRA MOHAN KALITA

VILL. AND P.O. CHHAYGAON

DIST. KAMRUP (R)
ASSAM
PIN-781124

64: SHILPI SAIKIA
D/O. TILSWAR SAIKIA

VILL. PILKHANA SONITPUR

P.O. HARMOTI MERBIL

DIST. LAKHIMPUR
ASSAM
PIN -784160

65: WAHIDA SHABNAM AHMED
D/O. SHAMSUDDIN AHMED

R/O. SOUTH HAIBORGAON

NAGAON

DIST. NAGAON
ASSAM
PIN -782002

66: LATA DEVI
D/O. SURJYA SARMA

VILL. BARTIGURII
P.O. GAMERI

DIST. BISWANATH
ASSAM
PIN -784172

67: MEGHALI SINGH
D/O. MADHU SINGH

R/O. MAZBAT NAMATIKHA
P.O. MAZBAT

DIST. UDALGURI
ASSAM
PIN -784507

68: NIJHARNA DOLEY
D/O. ANU KR. DOLEY

VILL. BALIGAON
P.O. DHAKUAKHANA

DIST. LAKHIMPUR
ASSAM
PIN -787055

69: MADHURJYA KALITA
S/O. MADAN CHANDRA KALITA

VILL. NAMPANI GAON

P.O. BORPANI GAON

DIST. NAGAON
ASSAM
PIN -782141

70: UTPAL BAKSHI

S/O. DILIP BAKSHI

VILL. HUJ SHANKAR NAGAR

P.O. HAIBARGAON

DIST. NAGAON

ASSAM

PIN -782002

71: DHRUBA JYOTI DEKA

S/O. LT. JITEN KALITA

R/O. RANGIA TOWN - TINIALI

WARD NO -7

P.O. RANGIA

DIST. KAMRUP

ASSAM

PIN -781354

72: SANJUKTA GOGOI

D/O. DEBEN GOGOI

VILL AND P.O. NAPAM BARUWATI

DIST. SIVSAGAR

ASSAM

PIN -785684

73: MOUSUMI GOGOI

D/O. JUGEN GOGOI

VILL. TAMULICHIGA MAJ GAON

P.O. TAMULICHIGA

DIST. SIVASAGAR

ASSAM

PIN -785682

74: SANJOY BORA

S/O. SRI. SONARAM BORA

VILL. NIZ GOROIMARI

P.O. BOKAJAN

DIST. SONITPUR
ASSAM
PIN -784105

75: PRONAMI ROHI DAS
D/O. LT. AMAR ROHI DAS

VILL. LETEKU GAON
P.O. TITABAR

DIST. JORHAT
ASSAM
PIN -785630

76: KABERI GOGOI
D/O. ANANDA GOGOI

VILL. DHENUCHOSA
P.O. JORHAT

DIST. JORHAT
ASSAM
PIN -785001

77: TRISHNA BORAH
D/O. BADAN CH BORAH

VILL. NO. 2 KHALIHAMAR
P.O. BORGOYAN KHAGORIA

DIST. LAKHIMPUR
ASSAM
PIN -787031

78: PABITRA DUTTA
S/O. DEHIRAM DUTTA

VILL. BIRINABARI
P.O. BALICHAPORI

DIST. MAJULI
ASSAM
PIN -785104

79: LAXMIREKHA NATH
D/O. DINABANDHU NATH

VILL. ROKHAPARA
P.O. AGIA

DIST. GOALPARA
ASSAM
PIN -783120

80: JUMASRI MAHANTA
D/O. NAGEN MAHANTA

VILL. CHECHAMUKH
P.O. POLASHANI

DIST. NAGAON
ASSAM
PIN -782003

81: PALLAB THAKURIA
S/O. SATISH MOHAN THAKURIA

VILL. PUB KHAGRABARI
P.O. JALAHGHAT

DIST. BAKSA
ASSAM
PIN -781327

82: MRINMOY BORA
S/O. BENUDHAR BORA

VILL. PARLLY
P.O. PALASBARI

DIST. KAMRUP (R)
ASSAM
PIN-781128

83: PRIYANKA BORAH
D/O. PRAFULLA BORAH

VILL. DIGHALIPAR
P.O. HARMOTI MERBIL

DIST. LAKHIMPUR
ASSAM
PIN -784160

84: PRIYANKA BARMA

D/O. SRI. BIRAJ BARMA

VILL. BIDYARDABRI PT- 3
P.O. BIDYARDABRI
DIST. DHUBRI
ASSAM
PIN -783335

85: PINKI MONI DEKA
D/O. BHADRESWAR DEKA
VILL. RAJAGAON
P.O. MORIGAON
DIST. MORIGAON
ASSAM
PIN -782105

86: NAMITA BORDOLOI
D/O. PRADIP BORDOLOI
VILL. DHALTHAPARA
P.O. DANDUA
DIST. MORIGAON
ASSAM
PIN -782104

87: CHINMOYEE SAIKIA
D/O. DULAL CHANDRA SAIKIA

VILL. NIZ - GOHPUR
P.O. GOHPUR

DIST. BISWANATH
ASSAM
PIN -784168

88: HIMADREE SAIKIA
D/O. PRABIN SAIKIA

VILL. BORTING NOWSOLIA
P.O. BORTING

DIST. GOLAGHAT
ASSAM
PIN -785626

89: GYAN JYOTI DAS
S/O. BHABA KANTA DAS

VILL. AND P.O. UTTAR PET BORHA

DIST. NAGAON
ASSAM
PIN -782144

90: RITA RASAILI
D/O. MONIRAM RASAILI

VILL. NIRMALA TEA ESTATE

P.O. TETONBARI

DIST. SONITPUR
ASSAM. PIN- 784171

91: SUBRAT BURAGOHAIN
S/O. LT. RAJEN BURAGOHAIN

VILL. RAJABAHAR GOHAIN GAON

P.O. RAJABAHAR

DIST. JORHAT
ASSAM
PIN -785631

92: ABINASH KR BORA
S/O. BHABEN KUMAR BORA

VILL. AUNIATI
P.O. PURANIGUDAM

DIST. NAGAON
ASSAM
PIN -782141

93: JUPITARA BEGUM
D/O. INTAJ ALI

VILL. BELONA
P.O. BHETHUA

DIST. BARPETA
ASSAM
PIN -781325

94: HIROK JYOTI TAMULI
S/O. LAKHINATH TAMULI

VILL. GARKAKHARIA
P.O. HAFALUTING

DIST. SIVASAGAR
ASSAM
PIN -785661

95: VISHAL LIMBU
S/O. DOMBOR LIMBU

VILL. NO. 1 UTTAR DIMAKUCHI

P.O. DIMAKUCHI

DIST. UDALGURI
ASSAM
PIN -784526

96: JOYSHREE BHUYAN
D/O. SIDANANDA BHUYAN

VILL. BORACHUK
P.O. KHATORGAON

DIST BISWANATH
ASSAM
PIN -784178

97: JYOTIKA BORA
D/O. PUTUL BORA

VILL. PUKHURIPARIA
P.O. MORNOI KHORA

DIST. LAKHIMPUR
ASSAM
PIN -787054

98: KURAN ALI
S/O. NOWSHAD ALI

VILL. THARIGRAM VITA
P.O. MUTHAKHOWA

DIST. DHUBRI
ASSAM
PIN -783323

99: JADUMANI BORAH
S/O. BUPRAM BORAH

VILL. ABHOYAPURI
P.O. BHAKATIDUAR

DIST. MAJULI
ASSAM
PIN -785110

100: HAREKRISHNA DEKA
S/O. KAILASH KAKATI

VILL. DIGUNPAR
P.O. BARUAJANI

DIST. KAMRUP
ASSAM
PIN -781380

101: RIPUN BHUYAN
S/O. HEMA BHUYAN

VILL. GOPALPUR
P.O. ELLENGISATRA

DIST. BISWANATH
ASSAM
PIN -78416

VERSUS

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

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

3:THE MEMBER SECRETARY
EMPOWERED COMMITTEE FOR TET SECONDARY EDUCATION
DEPARTMENT
ASSAM
DISPUR
GUWAHATI - 781006

Advocate for the Petitioner : MR. M K CHOUDHURY
Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
ORDER

13-03-2023

Heard Mr. M. K. Choudhury, learned Senior counsel assisted by Mr. P. Bhardwaj, learned counsel for the petitioners and Mr. D. Saikia, learned Advocate General of the State assisted by Mr. S.M.T. Chistie, learned Standing counsel, Department of School Education, Assam for the respondent Nos. 1 to 3.

The Director of Secondary Education, Assam (hereinafter referred to as the DSE) on 28.12.2022 issued four sets of advertisements. By Advertisement No. GB-EST/Advertisement (GT&PGT)/1/2022/7, the DSE, Assam invited applications for filling up of 1385 vacancies of Post-Graduate Teachers in different provincialised Senior Secondary Schools under the Directorate of Secondary Education, Assam in the Scale of Pay of Rs. 22,000/- to 97,000/- including Grade Pay of Rs. 11,800/- per month (under Pay Band-III) plus other allowances as admissible under Rules.

By Advertisement No. GB-EST/Advertisement (GT&PGT)/1/2022/8, the DSE, Assam invited applications for filling up of 118 vacancies of Post Graduate Teachers in different Government Secondary Schools under the Directorate of Secondary Education, Assam in the Scale of Pay of Rs. 22,000/- to 97,000/- including Grade Pay of Rs. 11,800/- per month (under Pay Band-III) plus other allowances as admissible under rules.

By Advertisement No. GB-EST/Advertisement (GT&PGT)/1/2022/9, the DSE, Assam invited applications for filling up of 7500 vacancies of Graduate Teachers (i) Arts, (ii) Science, (iii) Hindi and (iv) Sanskrit in different provincialised Secondary Schools under the Directorate of Secondary Education, Assam in the Scale of Pay of Rs. 14,000/- to 70,000/- including Grade Pay of Rs. 8,700/- per month (under Pay Band-II) plus other allowances as admissible under rules.

By Advertisement No. GB-EST/Advertisement (GT&PGT)/1/2022/10, the DSE, Assam invited applications for filling up of 255 vacancies of Graduate Teachers (i) Arts, (ii) Science, (iii) Hindi and

(iv) Sanskrit in different Government Secondary Schools in the Scale of Pay of Rs. 14,000/- to 70,000/- including Grade Pay of Rs. 8,700/- per month (under Pay Band –II) plus other allowances as admissible under rules.

For the posts of Post-Graduate Teachers both in the case of provincialised Higher Secondary Schools as well as the Government Secondary Schools of the State, the requisite academic and professional qualifications of a candidate are that –

(i) The applicant must be a Post-Graduate in concerned subject with at least 50% marks (or its equivalent) from recognized University and should possess Bachelor of Education (B.Ed.) qualification from an institution recognized by National Council for Teacher Education specifying that degrees obtained in off-campus and distance education mode shall not be considered as valid.

(ii) The applicant should have appeared and passed Higher Secondary Teachers Eligibility Test (TET) in the concerned cadre, conducted by the Government, scoring a minimum of 60% marks in case of Un-reserved category candidates and minimum of 55% marks in case of Scheduled Castes/ Scheduled Tribes/Other Backward Classes and Persons with disabilities candidates;

Provided that for the teachers working regularly against a sanctioned Graduate post in any Provincialised High School or Higher Secondary School for a minimum period of 15 years having requisite academic and professional qualification for the post of Post Graduate Teachers appearing and qualifying in TET shall be optional and they shall be awarded with a weight-age of 60 marks for their 15 years of continuous teaching experience and those who have appeared and qualified in the TET shall get the TET qualified marks in lieu of the weight-age given for the experience:

Provided further that any experienced teacher who has appeared but could not secure the minimum qualifying 60 marks in the TET, shall be awarded at least 60 marks in respect of their experience if he or she has already completed 15 years of teaching experience, any marks secured by such experienced teacher over and above 60 qualifying marks in TET shall be counted additionally in respect of TET for such teacher for the purpose of selection for the post of Post Graduate Teacher.

(iii) In addition to the academic and professional qualification, the applicant must satisfy the following criteria;

(a) In case of Assamese Medium School, the applicant must have passed HSLC or equivalent examination with Assamese language as one of the subjects or have diploma in Assamese Language issued by the Assam Sahitya Sabha or read up to HSLC level in Assamese medium School;

(b) In case of Bengali Medium School, the applicant must have passed HSLC or equivalent examination with Bengali language as one of the subjects or have Diploma in Bengali issued by the Barak Upalyaka Bangya Sahitya O Sanskriti Sammelan or read up to HSLC level in Bengali medium School.

(c) In case of Hindi Medium School, the applicant must have passed HSLC or equivalent examination with Hindi language as one of the subjects or read upto HSLC level in Hindi medium School

(d) In case of Bodo Medium School, the applicant must have passed HSLC or equivalent examination with Bodo language as one of the subjects or read upto HSLC level in Bodo Medium School

(e) In case of English Medium School, the applicant must have passed HSLC or equivalent examination with alternative English as one of the subject or read from Class XI onwards in English medium school.

Provided that for recruitment of teachers for teaching MIL subjects the candidate who passed HSLC Examination with particular MIL Subject shall be considered.

Similarly for the posts of Graduate Teachers (Arts & Science) both in provincialised Secondary Schools as well as the Government Secondary Schools of the State, the requisite academic and professional qualifications of a candidate are that –

(1) For the post of Graduate Teacher (Arts), the candidate must be Arts/Commerce Graduate or Post Graduate in Arts/Commerce having from recognized University with at least 50% marks in either Graduation or Post Graduation (or its equivalent) and Bachelor of Education (B.Ed.) from National Council for Teacher Education recognized Institution(s).

(2) For the post of Graduate Teacher (Science), the candidate must be Science Graduate or Post Graduate in Science having from recognized University with at least 50% marks in either Graduation or Post Graduation (or its equivalent) and Bachelor of Education (B.Ed.) from National Council for Teacher Education recognized Institution(s).

(3) In pursuance of the Govt. OM No. ASE.238/2014/213, dated 22.11.2019, those institutions having territorial jurisdiction outside the State of Assam but having a study centre in the State and such study centres if not recognized by DEC under UGC, the degrees / certificates issued by such off campus institutions shall not be considered as valid for the purpose of employment under Education Department. However, degrees / diplomas conferred by KKHSOU, IGNOU, IDOL under Gauhati University and Distance Education under Dibrugarh University shall be considered as valid for the purpose of employment.

(4) In respect of Secondary TET Candidate must obtain 60% marks in each paper for UR category and 55% marks for OBC/MOBC, SC, ST(P), ST(H) and PwD category.

Further, minimum educational and professional qualifications of a candidate for the posts of Graduate Teachers (Hindi) are that –

(1) Pravin/Ratna in Hindi with 50% marks and degree qualification with 50% marks or post Graduate degree in Arts with 50% marks from any recognized University.

or

BA with 50% marks and having Hindi as one of the subjects with 50% marks or post Graduate in Arts with 50% marks provided that he has passed DA with one of the subjects as Hindi with 50%

marks in Hindi.

(2) B.T./B.Ed. degree from any recognized University (PARANGAT to be treated as B.Ed. degree only for the purpose of Hindi teaching).

(3) In pursuance of the Govt. OM No. ASE.238/2014/213 dated 22.11.2019, those institutions having territorial jurisdiction outside the State of Assam but having a study centre in the State and such study centres if not recognized by DEC under UGC, the degrees/certificates issued by such off campus institutions shall not be considered as valid for the purpose of employment under Education Department. However, degrees/diplomas conferred by KKHSOU, IGNOU, IDOL under Gauhati University and Distance Education under Dibrugarh University shall be considered as valid for the purpose of employment.

(4) In respect of Secondary TET Candidate must obtain 60% marks in each paper for UR category and 55% marks for OBC/MOBC, SC, ST(P), ST(H) and PWD category.

Minimum educational and professional qualifications of a candidate for the posts of Graduate Teachers (Sanskrit) are that –

(1) Shastri with 50% marks and having degree qualification with 50% marks or post Graduate degree in Arts with 50% marks from any recognized University.

or

BA with 50% marks and having Sanskrit as one of the subjects with 50% of marks or Post Graduate Degree in Arts with 50% marks in Sanskrit.

(2) B.T./B.Ed. degree from any recognized University.

(3) In pursuance of the Govt. OM No. ASE.238/2014/213, dtd. 22.11.2019, those institutions having territorial jurisdiction outside the State of Assam but having a study centre in the State and such study centres if not recognized by DEC under UGC, the degrees / certificates issued by such off campus institutions shall not be considered as valid for the purpose of employment under Education Department. However degrees / diplomas conferred by KKHSOU, IGNOU, IDOL under Gauhati University and Distance Education under Dibrugarh University shall be considered as valid for the purpose of employment.

(4) In respect of Secondary TET Candidate must obtain 60% marks in each paper for UR category and 55% marks for OBC/MOBC, SC, ST(P), ST(H) and PwD category

In addition to the academic and professional qualification as per Sub-Rule 10(5), Sub-Rules 1(i) to 1(v) of the Assam Secondary Education (Provincialised Schools) Service Rules, 2018, for the posts of Graduate Teachers, Science, Arts, Hindi and Sanskrit, a candidate must satisfy the following criteria:

(i) In case of Assamese Medium School, the candidate must have passed HSLC or equivalent Examination with Assamese Language as one of the subjects or have Diploma in Assamese Language issued by the Axom Sahitya Sabha or read upto HSLC level in Assamese medium School.

- (ii) In case of Bengali Medium School, the candidate must have passed HSLC or equivalent examination with Bengali language as one of the subjects or have Diploma in Bengali language issued by the Barak Upatyaka Bangya Sahitya O Sanskriti Sammelan or read upto HSLC level in Bengali medium School.
- (iii) In case of Hindi medium School, the candidate must have passed HSLC of equivalent Examination with Hindi language as one of the subjects or read up to HSLC level in Hindi medium School.
- (iv) In case of Bodo Medium School, the candidate must have passed HSLC or equivalent Examination with Bodo language as one of the subjects or read up to HSLC level in Bodo Medium School.
- (v) In case of English Medium School, the candidate must have passed HSLC or equivalent Examination with Alternative English as one of the subjects or read from Class XI onwards in English Medium School.

Provided that for recruitment of teacher for teaching MIL subject, the candidate who passed HSLC examination with particular MIL subject shall be considered.

The petitioners stated that they are either Graduate or Post-Grad deuategree holders with valid B.Ed. degrees but they does not possess the qualification of TET (Teachers Eligibility Test) as such, does not have the relevant TET pass certificates. It is stated by them that since January, 2020, the respondent authorities did not conduct TET examination for the posts of Graduate Teachers of provincialised educational institutions of the State whereas the petitioners obtained their graduation after January, 2020.

With regard to the petitioners having Master Degree with B.Ed. Degree, it is submitted that the last TET for the posts of Higher Secondary Teachers was held in January, 2021 and thereafter, the State Government in the Secondary Education Department did not conduct any such H.S. TET till date whereas they obtained their Master Degree with B.Ed. degree after January, 2021.

Since the respondent authorities did not conduct those TETs either for the Graduate or for the Higher Secondary School Level Teachers, they could not appear in such TET examination and could not obtain their relevant TET qualified certificates.

The petitioners stated that the Director of Secondary Education, Assam vide No. GB-EST/Advertisement (GT& PGT)/1/2022/14 dated 14.02.2023 issued a Notice specifying that the District-wise, subject-wise, medium-wise and category-wise post details for the posts of Post-Graduate Teachers and Graduate Teachers in both Government and Provincialised Secondary Schools, Assam, for which advertisement was issued on 28.12.2022, shall be available in the official website at www.madhyamik.assam.gov.in from 15.02.2023 and that the provision of online application will open

from 12:00 midnight of 16.02.2023, which will end at 12:00 midnight of 28.02.2023 in the aforesaid website of the DSE, Assam.

By the said Notice dated 14.02.2023, the DSE, Assam also clarified that the physical verification of documents/testimonials of the applicants for the posts advertised on 28.12.2022 shall be done centrally in the office of the Directorate of Secondary Education, Assam w.e.f. 04.03.2023.

On instructions of the petitioners, Mr. Choudhury, learned Senior counsel submitted that such physical verification will come to end on 17.03.2023 in terms of the communication dated 02.03.2023 of the DSE, Assam.

Mr. Choudhury, learned Senior counsel for the petitioners also submitted that the DSE, Assam by an Addendum dated 25.02.2023 gave the break-up for the posts of Graduate Teachers of Bodo Medium under Kamrup and Nalbari Districts.

In terms of the judgment and order dated 29.08.2019 passed in WP(C) No. 6168/2019 (Alakesh Kalita and 42 others vs. State of Assam and others) by a co-ordinate Bench of this Court, the petitioners, amongst others, prayed before the Court for directions to the respondent authorities to (i) set aside the impugned advertisements dated 28.12.2022 and addendum dated 25.02.2023 issued for recruitment process for appointments to the posts of Graduate and Post-Graduate Teachers in provincialised/Government Secondary & Higher Secondary Schools of the State (ii) defer the impugned selection process initiated pursuant to the advertisements dated 28.12.2022 and addendum dated 25.02.2023 till holding of TET Examination by the State for the posts of Graduate and Post-Graduate Teachers and declaration of result of the same; (iii) conduct TET to enable the petitioners to fulfil the eligibility criteria for their participation in regular selection process for appointment to the posts of Graduate and Post-Graduate Teachers and (iv) defer the ongoing selection process initiated pursuant to the 4 Nos. of advertisements dated 28.12.2022 and addendum dated 25.02.2023 till holding and declaration of result of TET to be conducted by the State to enable them and other similarly situated persons to appear in the TET examination for the posts of Graduate and Post-Graduate Teachers.

On perusal of the order dated 29.08.2019 passed in said WP(C) No. 6168/2019, it is seen that the same was inconsonance with the decision of the Hon'ble Division Bench of this Court passed in WA No. 32/2019 (Arup Kr. Medhi & 79 others Vs. State of Assam and others) disposed of on 28.03.2019 regarding filling up of vacant posts of Graduate and Post-Graduate Teachers in provincialised Secondary Schools of the State in terms of the advertisement dated 14.08.2019. The Court by order dated 29.08.2019 disposed of said WP(C) No. 6168/2019 with the following directions

which are –

“(i) The State Government will immediately take steps for holding the TET examination, so that the petitioners or such other candidates who may be desirous of obtaining TET qualification may appear in the same.

(ii) It is only after the TET examination is held and results thereof are declared that the State authorities can proceed with the recruitment process for appointment to the posts of Graduate and Post Graduate teachers in High Schools and Higher Secondary Schools in terms of the advertisement challenged in the writ petition or any other advertisement issued for appointment to the posts of Graduate and Post Graduate Teachers in High Schools and Higher Secondary Schools.

(iii) This Court would also like to observe that though the petitioners had initially submitted for allowing them to take part in the recruitment process without insisting upon the TET qualification and that their selection may be subject to subsequent possession of TET qualification to which the Court would have agreed, however, in view of the decision rendered by the Division Bench of this Court under similar circumstances, as referred to above, instead of allowing the petitioners to take part in the recruitment process subject to their qualifying in TET examination, they shall be allowed to appear in the TET examination and only after they are found successful in the TET examination to be held as directed above, the recruitment process will be initiated. Accordingly, it is declared that till then, the recruitment process initiated by the impugned advertisement dated 14.08.2019 and any other advertisement for appointment to the posts of Graduate Teachers and Post-Graduate Teachers in High School and Higher Secondary Schools shall be kept in abeyance.

Mr. Choudhury, learned Senior counsel for the petitioners by placing the copy of the Assamese Newspaper “Asomiya Pratidin” dated 10.03.2023 brought to the notice of the Court that the Education Department of the State on 09.03.2023 stated that the State will not conduct any Teachers Eligibility Test for the next two years and Central TET passed candidates will be given the opportunity in case of appointment to the posts of teachers, stating further that the State is thinking of alternative measures with regard to appointment of teachers in the Secondary level, holding that by not conducting the TET for some time, no one will be deprived as there are large numbers of Secondary TET passed candidates in the State of Assam.

In the case in hand, it is seen that 101 Nos. of petitioners have filed this writ petition on 03.03.2023 having the signature of the authority concerned of the Filing Section of the Registry of this

Court dated 04.03.2023. As such, the petitioners have filed this writ petition after the last date of filing of applications for the posts of Graduate and Post-Graduate Teachers in provincialised as well as Government Secondary Schools of the State advertised on 28.12.2022.

From the records of said WP(C) No. 6168/2019, it is seen that in said writ petition, the advertisement was of 14.08.2019 and the petitioners therein filed the said WP(C) No. 6168/2019 on 26.08.2019 wherein the Court by order dated 27.08.2019 recorded that the last date for submission of applications in terms of the various advertisements involved therein had been extended upto 07.09.2019 and thereafter, the Court passed the order dated 29.08.2019 that has been annexed to this petition. But as noted above, in the present case, the last date of submission of applications for those posts advertised on 28.12.2022 is already over and as such, even if the Court accepts the statements of the petitioners but in exercise of the power conferred under Article 226 of the Constitution of India the Court cannot pass any such order extending the last date of submission of applications of the petitioners that has already expired on 28.02.2023. Such extension of time for filling up of application at best, can be considered and allowed by the employer/authority concerned only who issued such advertisement(s).

For the reasons above, the prayers of the petitioners made at (i), (ii), (iii) and (iv), noted above, being nonest, stands rejected.

Needless to say, the petitioners may approach the appropriate authority in the Secondary Education Department submitting their grievances praying to hold the Secondary as well as the Higher Secondary Teachers Eligibility Tests for their participations in the selection process for the posts of the Graduate Teachers and Post-Graduate Teachers in different provincialised and Government Secondary/ Higher Secondary Schools of Assam.

JUDGE

Comparing Assistant