

GAHC010069002018



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

Case No. : WP(C)/2152/2018

SAHIDUL ISLAM AND 12 ORS.
S/O AJMOT ALI KHAN
VILL- BETBARI, P.O. BARBALA
DIST. BARPETA, ASSAM,
PIN - 781316.
DATE OF BIRTH 06.02.1975

2: IMAN HUSSAIN MONDAL
S/O AJMOT ALI KHAN
VILL- BETBARI
P.O. BARBALA
DIST. BARPETA
ASSAM
DATE OF BIRTH -31.12.1978

3: JIAUR RAHMAN
S/O LAL MAMUD ALI
VILL- BARBARIJHAR

P.O. MOUTIPURI
DIST. BARPETA
ASSAM
PIN - 781316.
DATE OF BIRTH - 07-12-1984.

4: ABUL KALAM AZAD
S/O TUFAZZAL HUSSAIN
VILL- KAMALPUR PAM
P.O. BARBALA
DIST. BARPETA
ASSAM

PIN - 781316

DATE OF BIRTH- 03.01.1976

5: RINIWARA KHATUN
C/O RAFIQUUL ISLAM
VILL- DHUPGURI
P.O. SIMLAGURI
DIST. BARPETA
ASSAM

PIN - 781313
DATE OF BIRTH- 27.01.1982

6: MD MAINUL HOQUE
S/O LT. TAJ UDDIN AHMED
VILL AND P.O. SUKMANAH
DIST. BARPETA
ASSAM

PIN - 781316

DATE OF BIRTH - 30-04-1975

7: RAFIQUUL ISLAM MONDAL
C/O ANOWAR HUSSAIN MONDAL
VILL- HALDIA GAON

P.O. GHUGUBARI
DIST. BARPETA
ASSAM
PIN - 781319

DATE OF BIRTH 30-11-1975.

8: MD. JEHERUL ISLAM
S/O MD. ATOWAR RAHMAN
VILL- CHEKI
P.O. HATHINAPUR
DIST. BARPETA
ASSAM
PIN - 781325

DATE OF BIRTH -01.01.1988

9: KAZI FAKAR UDDIN ALI AHMED
S/O KAZI IMAD ALI
VILL- CHAULIABARI
P.O. SARUPETA
DIST. BARPETA

ASSAM
PIN - 781318
DATE OF BIRTH-31.12.1986

10: ABDUL KADER
S/O ABDUL REZZAK
VILL- MADHAPUR
P.O. RUPAHI
DIST. BARPETA
ASSAM

PIN - 781318
DATE OF BIRTH - 01.01.1980

11: MAFIDA AHMED
C/O MAHIR UDDIN AHMED
VILL- BANTIPUR
P.O. JARABARI
DIST. BARPETA
ASSAM

PIN - 781314

DATE OF BIRTH-06.03.1980.

12: SOFIQUZZAMAN
S/O NURUZZAMAN SARKAR
VILL AND P.O. KALAPANI
DIST. SOUTH SALMARA -MANKACHAR
PIN - 783135

DATE OF BIRTH -18-12-1987.

13: MAHMUDUR RAHMAN
S/O MD. AHAD ALI
VILL- 1 NO. PUBER GAON
MANKACHAR
P.O. MANKACHAR
DIST.SOUTH SALMARA- MANKACHAR
ASSAM

PIN - 783131

DATE OF BIRTH 31.01.1982

VERSUS

THE STATE OF ASSAM AND 3 ORS.

TO BE REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF
ASSAM,
EDUCATION (SECONDARY) DEPARTMENT,
DISPUR, GUWAHATI -06.

2:THE DIRECTOR OF SECONDARY EDUCATION

ASSAM
KAHILIPARA
GUWAHATI -19.

3:THE MISSION DIRECTOR RASTRIYA MADHYAMIC SHIKSHA ABHIYAN

ASSAM
KAHILIPARA
GUWAHATI -19.

4:THE UNIVERSITY GRANT COMMISSION

BAHADUR SHAH SAFAR MARG
NEW DELHI
PIN - 110012

Advocate for the Petitioner : MR A R BHUYAN

Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

27.02.2023.

Heard Mr. A R Bhuyan, learned counsel for the petitioners and Mr. U Sharma, learned Standing counsel, Department of School Education, Assam for the respondent Nos. 1 & 2. Also heard Mr. B Gogoi, learned Standing counsel, R.M.S.A. for the respondent No. 3 as well as Mr. A Chamuah, learned Standing counsel, UGC for the respondent No. 4.

The Director of Secondary Education, Assam on 26.09.2017 issued an Advertisement for filling up of 3052 Nos. of posts of Computer Instructors under the Scheme of Dr. Banikanta Kakoti Computer Literacy Programme in the

Government/Provincialised High/Higher Secondary Schools, High/Sr. Madrassa, Senior Secondary Schools, Arabic Colleges and local body schools for implementation of ICT enabled teaching and learning facilities towards initiation of Comprehensive Computer Education programme.

Pursuant to the same, the Director of Secondary Education conducted the selection and on 26.02.2018, the State Government issued a select list in phase manner for appointment of computer Instructors in the concerned educational institutions in terms of said advertisement dated 26.09.2017.

The petitioners filed this writ petition on 05.04.2018, praying amongst others, not to fill up the vacant posts of ICT Computer Instructors as advertised on 26.09.2017 without publishing the complete select list and to direct the respondent authorities to publish the remaining list of selected candidates.

Some other candidates for the post of ICT Computer Instructors as advertised on 26.09.2017 had approached this Court in WP(C) No. 1425/2018, being aggrieved with such action on the part of the respondents in publishing the select list for those 3052 Nos. of posts in a phase manner, wherein the Court by order dated 23.03.2018 in said WP(C) No. 1425/2018 observed that the declaration of select list in phase manner is impermissible under law, as in such eventuality, an arbitrariness would creep in.

Accordingly, the Court by order dated 23.03.2018 passed in said WP(C) No. 1425/2018 directed the respondents therein, to publish the whole of the select list at one go and refrain from acting upon any phase wise list that may have been published in the meantime.

On perusal of the records of said WP(C) No. 1425/2018, it is seen that the State Government in the Education Department placed before the Court that out of those 3052 Nos. of posts of Computer Instructors, the concerned screening committee that was constituted for selection of the candidates after due verification of the documents and other relevant materials, in the 1st phase found 1130 Nos. of candidates eligible for appointment to the posts of Computer Instructors as advertised on 26.09.2017 and that before filing said WP(C) No. 1425/2018, those 1130 Nos. of

candidates were already appointed on 26.02.2018.

The said screening committee after further verification found 225 Nos. of candidates eligible for placement as Computer Instructors as advertised on 26.09.2017.

Considering the entire aspect of the matter, the Court by order dated 08.08.2018 directed the respondents in the Secondary Education Department of the State to publish the list of eligible candidates for the remaining 1922 Nos. of posts in one go pursuant to the said advertisement dated 26.09.2017 and also to publish the list of those already appointed in 1130 Nos. of posts on 26.02.2018 as Computer Instructors, clarifying that unless such lists including that of 1922 Nos. of selected candidates of Computer Instructors are duly published, the respondents shall not fill up the remaining 1922 posts of Computer Instructors as advertised on 26.09.2017.

The Court in the said order dated 08.08.2018 also observed that the respondents in the Secondary Education Department shall complete the entire process of selection as expeditiously as possible, preferably within a period of three months from the date of the said order.

Considering the above, the Court is of the view that the prayer made by the petitioners in this petition is covered by the said order dated 08.08.2018 passed in WP(C) No. 1425/2018 and other connected cases.

Accordingly, this writ petition stands disposed of in the light of the order dated 08.08.2018 passed in WP(C) No. 1425/2018, noted above.

JUDGE

Comparing Assistant