

GAHC010075252023



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

Case No. : WP(C)/1998/2023

MD. TAJ UDDIN LASKAR
S/O- LATE MOTO FAR ALI LASKAR,
RESIDENT OF VILLAGE- BAHADURPUR,
P.O.- RANGAUTI, PIN- 788155,
DISTRICT- HAILAKANDI, ASSAM.

VERSUS

THE STATE OF ASSAM AND 14 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM,
EDUCATION ELEMENTARY DEPARTMENT,
DISPUR, GHY-6.

2:THE SELECTION BOARD
TO BE REPRESENTED BY ITS CHAIRMAN CUM THE COMMISSIONER AND
SECRETARY TO THE GOVERNMENT OF ASSAM
EDUCATION ELEMENTARY DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE DIRECTOR OF STATE COUNCIL OF EDUCATIONAL RESEARCH AND
TRAINING
ASSAM
KAHILIPARA
GUWAHATI-19.

4:THE ASSAM PUBLIC SERVICE COMMISSION
REPRESENTED BY ITS SECRETARY TO THE GOVERNMENT OF ASSAM
JAWAHARNAGAR
GUWAHATI-29.

5:NIRUPOMA BARIK SAIKIA
SR. LECTURER

DIET
MORIGAON
P.O.- MORIGAON
DISTRICT- MORIGAON
PIN- 782105.

6:BIMAN CHANDRA DUTTA
SR. LECTURER
DIET
SIVASAGAR
P.O.- BHOJO
DISTRICT- SIVASAGAR
PIN- 785691.

7:MRINAL CHOUDHURY
SR. LECTURER
DIET
BARPETA
P.O.- HOWLY
DISTRICT- BARPETA
ASSAM
PIN- 785691.

8:RUP NATH DAS
SR. LECTURER
DIET
BONGAIGAON
P.O.- BONGAIGAON
DISTRICT- BONGAIGAON
ASSAM
PIN- 783380.

9:DEISY GOGOI
SR. LECTURER
DIET
KAMRUP
P.O.- MIRZA
DISTRICT- KAMRUP
ASSAM
PIN- 781125.

10:ANJAN BORAH
SR. LECTURER
DIET
NAGAON
P.O.- SAMAGURI
DISTRICT- NAGAON
ASSAM.

PIN- 782140.

11:ALAKESH DATTA
SR. LECTURER
DIET
NAGAON
P.O.- SAMAGURI
DISTRICT- NAGAON
ASSAM
PIN- 782140.

12:ANANTA GOGOI
SR. LECTURER
DIET
JORHAT
P.O.- TITABAR
DISTRICT- JORHAT
ASSAM
PIN- 785630.

13:SIMANTA BORTHAKUR
SR. LECTURER
DIET
GOALPARA
P.O.- DHUDNAI
DISTRICT- GOALPARA
ASSAM PIN- 783334.

14:SHARMISTA CHOUDHRY
SR. LECTURER
DIET
CACHAR
P.O.- UDHARBOND
DISTRICT- CACHAR
ASSAM
PIN- 788030.

15:KISHORE KUMAR DAS
SR. LECTURER
DIET MORIGAON
P.O.- MORIGAON
DISTRICT- MORIGAON
ASSAM
PIN- 782105

Advocate for the Petitioner : MR. A R BHUYAN

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

11-04-2023

Heard Mr. M. A. Sheikh, learned counsel for the petitioner and Ms. N. Phukan, learned Standing Counsel, Department of School (Elementary) Education for the respondent Nos. 1 and 2. Also heard Mr. S. Bora, learned Standing Counsel, State Council of Educational Research and Training (SCERT), Assam for the respondent No.3 as well as Ms. P. Sarma, learned counsel appearing on behalf of Mr. T. J. Mahanta, learned Senior Counsel and Standing Counsel, APSC for the respondent No.4.

Matter pertains to seniority of the petitioner as Senior Lecturer in the District Institute of Education and Training (DIET), Assam.

Earlier, the respondents in the SCERT published a Final Gradation List relating to Senior Lecturers of DIET, Assam which was challenged by the petitioner in WP(C) No. 5761/2022 and the Court by order dated 02.09.2022 in the interim, suspended the said Final Gradation List of Senior Lecturers of DIET, Assam published on 26.02.2021.

Now, the respondent authorities in the SCERT vide Notification No.AEE.12/2023/18 dated 18.03.2023 issued a fresh Provisional Draft Gradation List of Senior Lecturers of DIET, Assam showing the position of Senior Lecturers as on 31.01.2023 along with the detail particulars of all concerned, observing that, if any factual error in the provisional Gradation List is found, objections in that regard shall be entertained within a period of 7 (seven) days from the date of issuance of the said Notification providing that no claims and objections will be entertained after the said stipulated time.

The petitioner being aggrieved with his seniority position in said Provisional Draft Gradation List of Senior Lecturers of DIET, Assam notified on 18.03.2023, submitted a representation before the Secretary to the Government of Assam in the Department of

School (Elementary) Education, Assam on 20.03.2023 through the Principal in-charge of DIET, Hailakandi and also filed another representation on 29.03.2023, which are yet to be disposed of.

As the matter regarding the Final Gradation List of Senior Lecturers of DIET, Assam is subjudiced in WP(C) No. 5761/2022, without entering into the merit of this case, this writ petition is disposed of at the motion stage itself with the direction that before proceeding to publish the Final Gradation List of Senior Lecturers of DIET, Assam, the respondent authorities, more particularly, the Secretary to the Government of Assam in the Department of School (Elementary) Education shall dispose of the representations of the petitioner dated 20.03.2023 as well as 29.03.2023 in accordance with law following the relevant Rules in force and as applicable.

Petitioner shall submit a certified copy of this order along with copy of this writ petition including the Annexures appended thereto before the Secretary to the Government of Assam in the Department of School (Elementary) Education obtaining necessary acknowledgment from the said authority in that regard and thereafter, the concerned Secretary shall dispose of the representation of the petitioner within a period of 60 (sixty) days.

With the above observation and direction, this writ petition stands disposed of.

JUDGE

Comparing Assistant