

GAHC010112592023



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

Case No. : WP(C)/3054/2023

MONOJ SAIKIA AND 19 ORS.
S/O- CHANDRA SAIKIA, VILL.- MEKHELI GAON, P.O. BONGAON, P.S.
MAJULI KAMALABARI, DIST. MAJULI, ASSAM, PIN- 785110.

2: JHARNA BARUAH SAIKIA
W/O- CHANDRAMONI SAIKIA
VILL- MILANPUR SAIKIA CHUBURI
P.O. DIPOTA
P.S. TEZPUR
DIST. SONITPUR
ASSAM
PIN- 784150.

3: SMT. RICHA BORGOHAIN
W/O- AMIYO KUMAR GOGOI
VILL- PITHAGHAT
P.O. URIAMGHAT
P.S. BORPATHAR
PIN- 785601
DIST. GOLAGHAT
ASSAM

4: NITUMONI DOLEY
D/O- UDON CH. DOLEY
VILL.- KEMI
P.O. LEKU
P.S. JONAI
PIN- 787060
DIST. DHEMAJI
ASSAM

5: JUTIKA DEVI
D/O- BASISTHA NATH
VILL.- BARATI

P.S. THELAMARA
P.O. GHATUA
PIN- 784149
DIST. SONITPUR
ASSAM

6: KARTIK NATH
S/O- BABURAM NATH
R/O- BARPETA ROAD
P.O. AND P.S. BARPETA ROAD
DIST. BARPETA
ASSAM
PIN- 781315.

7: TANIMA MECH
D/O- TOLON CH. MECH
VILL.- NOBIL PATHER
PIN- 784506
P.O. NEPALI BASTI
P.S. MISSAMARI
DIST. SONITPUR
ASSAM

8: SMT. SUDESHNA BHUYAN
W/O- DEBASIS BORAH
VILL.- BORIGAON
P.O. AND P.S. GOHPUR
PIN- 784168
DIST. BISWANATH
ASSAM

9: PRATISHA KAKATI
D/O- BASANTA KAKATI
VILL.- PUKHURIPARA
P.O. AND P.S. NAGARBERA
PIN- 781126
DIST. KAMRUP
ASSAM

10: SHIKHA MONI BORA
D/O- GAURI BORA
VILL.- NIZ DHING
P.O. AND P.S. DHING
PIN- 782123
DIST. NAGAON
ASSAM

11: RAJDEEP HAZARIKA

S/O- LATE KRISHNA HAZARIKA
VILL.- GOSAIPTHER NO. 2
P.O. AND P.S. BIHPURIA
PIN- 784161
DIST. LAKHIMPUR
ASSAM

12: SIKHAMONI DUTTA
D/O- RAJEN DUTTA
VILL.- LUKUMAI GAON
P.O. HALODHIBARI
P.S. DERGAON
DIST. GOLAGHAT
ASSAM
PIN- 785618.

13: PORASHMONI PUJARI
S/O- LATE HITNATH PUJARI
VILL.- AND P.O. KENDUGURI
P.S. BIHPURIA
PIN- 784161
DIST. LAKHIMPUR
ASSAM

14: MUHIDHAR BORA
S/O- SRI SUBAL BORA
VILL. NO. 1 NABAJYOTI GAON
P.O. GOMARIGURI
PIN- 785705
DIST. GOLAGHAT
ASSAM

15: HEMANTA BORAH
S/O- BHARAT BORAH
VILL.- KATHALGURI
P.O. PATHALIPAM
P.S. BOGINADI
PIN- 787056
DIST. LAKHIMPUR
ASSAM

16: ALPANA DUTTA
D/O- RUPESWAR DUTTA
VILL.- JARITUP
P.S. LAKHIPUR
P.O. AZAD
PIN- 787031
DIST. LAKHIMPUR

ASSAM

17: PRARTHANA SAIKIA
C/O- BIKASH BORA
VILL.- BIHPURIA
WARD NO. 4
P.O. AND P.S. BIHPURIA
PIN- 784161
DIST. LAKHIMPUR
ASSAM

18: RUJI KONWAR
C/O- DULEN NATH
VILL.- MODARGURI
P.O. AZAD
P.S. PANIGAON
PIN- 787031
DIST. LAKHIMPUR
ASSAM

19: PINKI DEVI
C/O- GAJENDRA NATH
VILL. AND P.O. KHOGA
P.S. PANIGAON
PIN- 787052
DIST. LAKHIMPUR
ASSAM

20: MONALISA GOGOI
C/O- TILSWAR GOGOI
VILL.- KAKADONGA
P.S. NAMKHEATOWUL
P.S. DERGAON
DIST. GOLAGHAT
ASSAM
PIN- 785626

VERSUS

THE STATE OF ASSAM AND ANR
THROUGH COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM, ELEMENTARY EDUCATION DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-1

Advocate for the Petitioner : MR K K MAHANTA (Sr. Advocate)

Advocate for the Respondent : SC, ELEM. EDU

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

ORDER

31.05.2023

Heard Shri KK Mahanta, learned Senior Counsel assisted by Shri MH Ansari, learned counsel for the petitioners. Also heard Shri B Kaushik, learned Standing Counsel, Education (Elem.) Department, Assam for both the respondents.

Considering the subject matter in dispute and also being apprised of the fact that the controversy involved has been resolved by this Court vide the judgment and order dated 21.06.2022 in a batch of writ petitions, the lead case, being WP(C)/1040/2022, this writ petition is taken up for disposal at the motion stage itself.

It would be convenient to record the facts of the case in brief.

The petitioners, who are two in numbers, have obtained their Graduation through yearly system of curriculum and claim to have undergone a stricter evaluation in their examination compared to the semester system.

The issue is with regard to the consideration for appointment as Teacher in posts of LP and UP Schools whereby, common eligibility criteria for candidates coming from both the streams have been laid down.

Shri Mahanta, learned Senior Counsel for the petitioners has submitted that as reflected above, the issue was raised in a batch of writ petitions, including WP(C)/1040/2022 which were resolved by this Court vide the judgment and order dated 21.06.2022 in which, after recording the submissions, the following directions have been made:

“33. Without expressing any view on the aforesaid issue as regards the

disadvantageous position that the candidates who acquired their qualification at an earlier period of time may face, we provide that ends of justice would be met, if the authorities conducting the selection procedure embark upon a process of rationalization of the marks and in the event, it is noticed that there is a noticeable variation in the marks of the candidates, who appeared in the qualifying examinations at an earlier period of time in comparison with those who appeared at a later period of time, we leave it to the authorities to devise their own method as to how to rationalize their marks and thereafter take into consideration the rationalized marks of the candidates rather than the numerical marks of the respective candidates as depicted in the respective mark sheets. In our view, the process of rationalization would avoid a situation of any violation of Article 14 of the Constitution of India.”

The learned Senior Counsel for the petitioners submits that the petitioners would be satisfied and the interest of justice would be met if a similar direction is passed.

Shri Kaushik, learned Standing Counsel of the Department does not oppose the aforesaid proposition in principle.

In view of the above, this writ petition is closed in terms of the aforesaid direction made in paragraph 33 of the judgment dated 21.06.2022 and a similar consideration is also directed to be made so far as the present petitioners are concerned.

The writ petition is, accordingly disposed of.

JUDGE

Comparing Assistant