

GAHC010116022016



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

Case No. : WP(C)/4566/2016

ALI AHMED
S/O. LT. NURUL HAQUE, VILL. BIHARA PART-IV, P.O. BIHARA, DIST.
CACHAR, ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE SECRETARY, ELEMENTARY EDUCATION DEPTT., DISPUR,
GHY.-06.

2:THE DIRECTOR

ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GHY.-19.

3:THE DIST. ELEMENTARY EDU. OFFICER

CACHAR
ASSAM.

4:THE BLOCK ELEMENTARY EDU. OFFICER

KATIGORAH
CACHAR
ASSAM

Advocate for the Petitioner : MR.R GOGOI

Advocate for the Respondent : SC, ELEMENTARY EDUCATION

Linked Case : WP(C)/5224/2016

ABDUL JALIL CHOUDHURY
S/O LT. MONIRUDDIN R/O VILL- LAMBA BASTI P.O. KORAIKONDI
DIST. CACHAR
ASSAM
PIN - 788101.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE SECRETARY
ELEMENTARY EDUCATION DEPARTMENT
DISPUR
GUWAHATI-6.

2:THE DIRECTOR OF ELEMENTARY EDUCATION

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3:THE DISTRICT ELEMENTARY EDUCATION OFFICER

CACHAR
ASSAM.

4:THE BLOCK ELEMENTARY EDUCATION OFFICER

LAKHIPUR
CACHAR
ASSAM.

Advocate for : MR. D BORAH

Advocate for : SC

ELEMENTARY EDUCATION appearing for THE STATE OF ASSAM AND 3 ORS

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

ORDER

26.05.2023

Heard Shri N Borah, learned counsel for the petitioner. Also heard Shri B Kaushik, learned Standing Counsel, Education (Elem.) Department, Assam for all the respondents.

2. Considering the subject matter of dispute and as agreed to by the learned counsel for the parties, the present writ petition, which is pending since the year 2016, is taken up for disposal at the admission stage.

3. The petitioner is In-charge Head Master in the Basakandi ME Madrassa in the district of Cachar. He is aggrieved by a Gradation List of ME School Teachers pertaining to the Cachar district published by the District Elementary Education Officer, Cachar on 17.07.2016.

3. The case of the petitioner is that there has been violation of the Assam Elementary Education (Provincialisation) Service and Conduct Rules, 1981 (hereinafter referred to as the 1981 Rules) in determining the seniority and in the instant case, the seniority of the petitioner has been ignored. The petitioner also apprehends that he would be outside the purview of consideration in the selection process for promotion to the post of Head Master.

4. Shri Borah, learned counsel for the petitioner, however, submits that by efflux of time, the prayer made in this petition can be suitably moulded to the extent that in the preparation of any further gradation list, the case of the petitioner be considered by taking into account his seniority.

5. The aforesaid prayer is not opposed, in principle, by Shri Kaushik, learned Standing Counsel.

6. In view of the aforesaid facts and circumstances as well as the submissions of the learned counsel for the parties, as recorded above, the instant writ petition is disposed of by directing that as and when the Gradation List of Teachers of ME Schools in the district of Cachar is prepared, the case of the petitioner is liable to be considered by giving due regard to his seniority along with other similarly situated persons.

7. The writ petition is, accordingly disposed of.

JUDGE

Comparing Assistant