

GAHC010118742020



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

Case No. : WP(C)/3489/2020

NASIR UDDIN LASKAR
S/O LT. SAFIQR RAHMAN LASKAR, R/O TOWN WARD NO. 11, RATANPUR
ROAD, P.O. RATANPUR ROAD, DIST HAILAKANDI, ASSAM, PIN-788155

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REP .BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
EDUCATION SECONDARY DEPTT. DISPUR GUWAHATI-6

2:THE DIRECTOR OF SECRONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19

3:THE STATE SELECTION BOARD FOR SELECTION OF PRINCIPALS
IN PROVINCIALISED HIGHER SECONDARY SCHOOLS
(REPRESENTED BY ITS MEMBER SECRETARY
THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 19).

4:THE INSPECTOR OF SCHOOLS
HAILAKANDI DISTRICT CIRCLE
HAILAKANDI
P.O AND DIST. HAILAKANDI
ASSAM
PIN- 788151.

5:THE SCHOOL SELECTION COMMITTEE OF ALGAPUR PUBLIC HIGHER
SECONDARY SCHOOL

P.O KALIBARI BAZAR
DIST. HAILAKANDI
ASSAM.

(REP. BY THE PRESIDENT
SCHOOL MANAGEMENT AND DEVELOPMENT COMMITTEE
ALGAPUR PUBLIC HIGHER SECONDARY SCHOOL
P.O KALIBARI BAZAR
DIST. HAILAKANDI
ASSAM
PIN- 788150).

6:ALPANA DAS MAZUMDER
SUBJECT TEACHER (BENGALI)
ALGAPUR PUBLIC H.S. SCHOOL
HAILAKANDI
P.O KALIBARI BAZAR
DIST. HAILAKANDI
ASSAM
PIN- 788150

Advocate for the Petitioner : MR. I H BARBHUIYA

Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 17.02.2023

Heard Mr.M.K.Choudhury, learned senior counsel assisted by Mr. I.S.Borbhuiya, learned counsel for the petitioner. Also heard Mr. R.Mazumdar, learned standing counsel, Secondary Education for the respondent Nos. 1, 2, 3 and 4 and Ms. R.Devi, learned counsel for the respondent No.6.

2. By this writ petition, the petitioner is challenging the merit list prepared by the School Selection Committee of Algapur Public Higher Secondary School,

Hailakandi District for selection of Principal.

3. This Court while issuing notice in the present writ petition on 15.09.2022 had also passed the following direction:

“Considering the submissions made and taking note of the submission that the said State Selection Committee has not yet held its meeting to select the Principal of Alkapur Public H.S. School, the Court is inclined to provide that it would be open to the petitioner to submit his representation before the Director of Secondary Education, Assam (respondent No.2) who would forward the same to the “State Selection Board for selection of Principal in Provincialised Higher Secondary School” (respondent No.3), notwithstanding that there is no provision in the Assam Secondary Education (Provincialised) Service Rules, 2003 for any representation by a person aggrieved by the allotment of marks by the School Selection Committee, and on receipt of the same, the competent authority would take into consideration the said representation while considering the merit list submitted by the School Selection Committee.”

4. On a perusal of the Assam, Secondary Education (Provincialisation) Services Rules, 2003 particularly Rule 13 which prescribes the procedure of selection of Principal, it is seen that the School Selection Committee shall prepare a panel of list after holding interview and thereafter forward the same before the State Selection Board. Thereafter, the State Selection Board shall prepare a select list equal to the number of vacant post and the panel of names prepared by the State Selection Board shall be submitted to the Government who in turn after causing such verification as may be deemed necessary shall accord approval for appointment.

5. Coming to the case in hand, it is seen that the State Selection Board, is yet

to prepare a panel of names and the same is yet to be forwarded to the State Government for taking a final decision.

6. In that view of the matter, I am of the considered opinion that the present writ petition is premature at this stage and therefore, I am not inclined to pass any order.

7. However, in view of the direction passed by this Court on 15.09.2020, which is already extracted hereinabove, it is submitted that the petitioner has already made his representation before the Director of Secondary Education, Assam on 25.09.2020. As the petitioner has already made his representation, this Court accordingly directs the respondent No.6 also to make a representation supporting her case before the Director of Secondary Education, Assam on or before 22.02.2023. Thereafter, on receipt of the representation made by the respondent No.6, the Director of Secondary Education shall place both the representations made by the petitioner on 25.09.2020 as well as the representation made by the respondent No.6 before the State Selection Board, who in turn shall consider both the representations and thereafter, finalize the panel of list which in turn shall be submitted to the State Government for taking a final decision. Needless to say that the Government shall make due scrutiny and verification in accordance with law before finalizing the selection.

8. Petitioner is also directed to resubmit the earlier representation dated 25.09.2022 to the Director of Secondary Education on or before 22.02.2023.

9. With the above observations and directions, this writ petition stands disposed of. It is however made clear that this order shall not be a precedent for other cases in future.

JUDGE

Comparing Assistant