

GAHC010120792023



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

Case No. : WP(C)/3213/2023

SHAHANAZ PARBIN
DAUGHTER OF MVI MD. TAZUDDIN,
VILLAGE- BANMAZA PATHER,
P.S.- GOBARDHANA,
DISTRICT- BAKSA, ASSAM,
PIN- 781315.

VERSUS

THE STATE OF ASSAM AND ANR

REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,

SCHOOL EDUCATION DEPARTMENT,
DISPUR, GUWAHATI- 781006.

2:THE DIRECTOR OF ELEMENTARY EDUCATION

ASSAM

KAHILIPARA

GUWAHATI-19

Advocate for the Petitioner : MR N SARMA

Advocate for the Respondent : SC, ELEM. EDU

**BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR**

ORDER

Date : 21.06.2023

Heard Mr. J.Abedin, learned counsel for the petitioner. Also heard Mr. A.Phukan, learned standing counsel, Elementary Education for all the respondents.

2. The petitioner qualified in the Central Teacher Eligibility Test (CTET) for Lower Primary Schools and is eligible for appointment as an Assistant Teacher in Lower Primary Schools in Assam.

Pursuant to an Advertisement-A dated 11.02.2023, issued by the Director of Elementary Education, Assam, calling for on-line applications for filling up of 3887 vacancies of Assistant Teachers of Lower Primary Schools under the Directorate of Elementary Education, Assam, the petitioner applied for the said post. Thereafter, the name of the petitioner appeared in the 2nd Provisional Merit List at Sl. No.72 with total marks of 215.800 for Goalpara district. In the said provisional list against the name of the petitioner, the remarks is indicated as withheld. A notice was issued by the Director, Elementary Education, Assam informing all the candidates whose names are kept withheld in the 2nd Provisional Merit List to attend physical document verification on 15.05.2023 and 16.05.2023 from 11:00 AM to 2:00 PM. The petitioner appeared for the physical document verification on 15.05.2023. Another notice dated 14th of May, 2023 was issued by the Director of Elementary Education, Assam for a physical document verification to be held on 17.05.2023 and 18.05.2023 and in the said

notice, the name of the petitioner appeared at Sl. No.141. As the petitioner had already appeared on 15.05.2023, and petitioner had no knowledge of notice dated 14.05.2023, she did not appear for the physical document verification on the specified dates i.e. 17.05.2023 and 18.05.2023.

3. Thereafter, another notice was issued by the Director of Elementary Education, Assam informing all concerned that physical document verification of the candidates who are absent during their physical document verification on 15.05.2023 to 19.05.2023 was given a last chance to verify their documents on 29.05.2023. In the said list, the name of the petitioner did not appear. In the meantime, the final select list of regular Teachers of Lower Primary Schools under the District, Elementary Education, Assam for Goalpara district was published on 23.05.2023. In the said list the name of the petitioner did not appear. It is the case of the petitioner that candidates from Sl. No.72 to 82 in the final select list of regular Teachers of Lower Primary Schools for Goalpara district had obtained lesser marks than the petitioner and therefore being aggrieved, the petitioner is before this Court.

4. A consideration of the notice issued by the Director, Elementary Education Department calling for physical document verification for those candidates who are absent on 15.05.2023 to 19.05.2023 indicates that the name of the petitioner is found missing despite she not being present for the physical document verification on 17.05.2023 and 18.05.2023. On considering the matter, this Court directed the learned standing counsel, Elementary Education Department on 12.06.2023 to receive instructions as to why the name of the petitioner has not been included in the notice by which the candidates who did

not appear from 15.05.2023 to 19.05.2023 for physical document verification were given a final chance.

5. Today when the matter is called up, the learned standing counsel, Elementary Education has produced a document containing the instructions with regard to the present writ petition. However, there is no instruction as regards the query made by this Court in the order dated 12.06.2023, particularly to the point as to why the name of the petitioner was not included in the notice for which the candidates who did not appear from 15.05.2023 to 19.05.2023 for physical document verification were given a last chance.

6. Considering the matter in its entirety, this writ petition is disposed of directing the Director of Elementary Education/respondent No.2 to give another opportunity to the petitioner for physical document verification on a date to be fixed by the respondent No.2 after giving due notice to the petitioner. Thereafter, on the basis of the physical document verification, appropriate steps may be taken by the respondent No.2 in accordance with law.

Let such exercise be completed within a period of 1(one) month from the date of receipt of a copy of the order of this Court.

7. With the above observations and directions, this writ petition is disposed of.

JUDGE

Comparing Assistant