

GAHC010124662023



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

Case No. : WP(C)/3424/2023

MD NURUL ISLAM LASKAR
S/O- ABDUL RAZAK LASKAR,
SR. MOST ASSTT TRACHER, MA, BED, PUBLIC HIGHER SECONDARY
SCHOOL, HAILAKANDI,
R/O- WARD NO-XI, BILPAR, DHUMKAR, HAILAKANDI,
P.S AND DIST- HAILAKANDI, ASSAM, PIN-788155

VERSUS

THE STATE OF ASSAM AND 5 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, EDUCATION SECONDARY DEPARTMENT,
DISPUR, GUWAHATI-06.

2:THE DIRECTOR
OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 19.

3:THE INSPECTOR OF SCHOOLS
HDC
HAILAKANDI ASSAM

4:NATIONAL COUNCIL FOR TEACHER EDUCATION
(NCTE)
NER TO BE REP. BY ITS REGIONAL DIRECTOR
EASTERN REGIONAL COMMITTEE
15 NEELKANTHA NAGAR
NAYAPALLI
BHUBNESHWAR
PIN-751012

5:MD. HABIBUR RAHMAN
S/O- ABDUL KHALIQUE MAZUMDER
ASSTT. TEACHER
PUBLIC HIGHER SECONDARY SCHOOL
HAILAKANDI

R/O- HAILAKANDI TOWN
WARD NO 1 (A)

DIST- HAILAKANDI
ASSAM
PIN-788151

6:THE ASSAM UNIVERSITY
SILCHAR

TO BE REP. BY ITS REGISTRAR
ASSAM UNIVERSITY
SILCHAR
CACHAR. ASSAM
PIN-78801

Advocate for the Petitioner : MR. A K DUTTA

Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

ORDER

Date : 22-11-2023

Heard Mr. B. Purkayashta, learned counsel for the petitioner. Also heard Mr. B. Kaushik, learned counsel for the Secondary Education Department of Government of Assam, Mr. I.A. Alom, learned counsel for the National Council for Teacher Education and Mr. A.R. Bhuyan, learned counsel for the respondent No. 5 Md. Habibur Rahman Mazumder and Ms. M. Deka, learned counsel for the respondent No. 6 Assam University.

2. The petitioner who is a graduate teacher in the Public Higher Secondary School at Hailakandi has acquired the Master of Arts in History degree as per the certificate dated 15.11.2022 issued by the Indira Gandhi National Open University which is available as Annexure-5A page-35 and Bachelor of Education degree from the Assam University, Silchar as per the certificate dated 13.12.2022 available as Annexure-3B page-31 of the writ petition.

3. There is an issue to the extent that the respondent authorities while reading into the qualification of the petitioner had ignored the Master of Arts in History degree obtained from the Indira Gandhi National Open University. Consequence therefore, the petitioner is deemed to be ineligible to hold the post of Principal of the School in an In-Charge basis. The consequential beneficiary although is the respondent No. 5 Habibur Rahman Mazumder who is allowed to be the In-Charge Principal. The petitioner also states that by the representation dated 10.11.2022 he had brought it on record as well as in the notice of the respondents that he had also acquired the Master of Arts in History degree from the Indira Gandhi National Open University.

4. In view of the factual situation as indicated above, the respondents in the Secondary Education Department of Government of Assam is directed to give a consideration to the representation of the petitioner dated 10.11.2022 and also take note that it is the claim of the petitioner that he has also acquired the Master of Arts degree in History as per the certificate dated 15.11.2022 issued by the Indira Gandhi National Open University. Upon doing the needful, the consequential benefits that the petitioner may be entitled may also be looked into.

5. The requirement of dealing with the representation dated 10.11.2022 of the petitioner be done within a period of five weeks from the date of receipt of

certified copy of this order.

Writ petition stands disposed of in the above terms.

JUDGE

Comparing Assistant