

GAHC010163202021



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

Case No. : WP(C)/5232/2021

MUFID HUSSAIN LASKAR
S/O LT. ABDUL MAZID LASKAR, VILL. AND P.O. DIDARKHOSH, P.S.
KACHUDHARAM DIST, CACHAR, ASSAM, PIN-788099

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
EDUCATION ELEMENTARY DEPTT. DISPUR, GUWAHATI-6

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

3:THE STATE MISSION DIRECTOR
ASOM SARBA SIKSHA ABHIJAN MISSION
KAHILIPARA
GUWAHATYI-19 ASSAM

4:THE DISTRICT MISSION COORDINATOR-CUM DISTRICT ELEMENTARY
EDUCATION OFFICER
CACHAR
SILCHAR
P.O. AND DIST. SILCHAR
ASSAMPI

Advocate for the Petitioner : MR H I CHOUDHURY

Advocate for the Respondent : SC, ELEM. EDU

B E F O R E

HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

01-03-2023

Heard Ms. G. Goswami, learned counsel for the petitioner. Also heard Mr. R. Mazumdar, learned Standing Counsel, Elementary Education Department for Respondent No.1 and 2; and Mr. B.Choudhury, learned Standing Counsel, SSA for Respondents No.3 and 4.

2. The petitioner is a qualified TET Teacher and pursuant to an advertisement dated 30.06.2017, he applied for the post of Assistant Teacher of Lower Primary Schools on contractual basis under the Sarba Siksha Abhijan Mission. The petitioner submitted all the documents as required under the said advertisement and the District Level Screening – cum- Verification Committee, which was held from 20.07.2017 to 31.07.2017, verified all the original documents of the candidates including that of the petitioner. However, the name of the petitioner did not appear in the select list. Therefore, when the petitioner made a query with regard to his non-selection, he was informed that he did not submit the proof of identity card. Thereafter, the petitioner made a representation before the concerned authority enclosing copy of the proof of identify card. However, despite all the steps taken, the case of the petitioner was not considered and, therefore, is before this Court by way of the present writ petition.

3. During the pendency of this writ petition, the Director of Elementary Education, Assam has issued Advertisement –A No.255733/10 dated 11th February, 2023 calling for applications Online for filling up of 3887 vacancies of Assistant Teachers of L.P. Schools under the Directorate of Elementary Education, Assam. In the said application, with regard to the Conditions of Recruitment, the age limit is prescribed as 40 years for Unreserved Category and the last date for applying Online is midnight of 1st March, 2023. The petitioner being overaged by eight(8) years despite his intention to apply pursuant to the Advertisement dated 11th February,2023, is debarred from applying as he is overaged.

4. After hearing the parties, this Court in the interest of justice direct the petitioner to make a representation for condonation of his age for making his application pursuant to the said Advertisement –A No.255733/10 dated 11th February, 2023 for filling up of 3887 numbers of vacancies of Assistant Teachers in L.P. Schools under the Directorate of Elementary Education, before the Secretary, Department of Schools Education, within a period of two days from today. Thereafter, the Secretary, Department of School Education, shall forward the representation made by the petitioner to the Department of Personnel and Training, who shall in turn consider the representation made by the petitioner and dispose of the same within a period of one week from the date of receipt of the representation. It is made clear that if the consideration of the representation of the petitioner is in the positive, then he shall be permitted to appear in terms of the Advertisement dated 11th February, 2023. This order is passed relaxing Clause-2 of the Conditions of

Recruitment of the Advertisement dated 11th February, 2023. It is, however, made clear that this order shall not be precedent for other cases.

5. With the aforesaid observations and directions, this writ petition stands disposed of.

JUDGE

Comparing Assistant