

GAHC010207662023



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

Case No. : WP(C)/5392/2023

FAZLA WAHID AHMED
S/O- MOTIOR RAHMAN AHMED, R/O- VILLAGE- TUMNI, SIMLAKANDI,
P.O. TUMNI, PS- SOUTH SALMARA, DISTRICT- SOUTH SALMARA
MANKACHAR, ASSAM

VERSUS

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

2:THE MISSION DIRECTOR
ASOM SARBA SIKSHA ABHIJAN MISSION
KAHILIPARA
GUWAHATI-19

3:THE DISTRICT MISSION CO-ORDINATOR
SSA
SOUTH-SALMARA
MANKACHAR
PO- HATSINGIMARI
DIST.- SOUTH SALMARA MANKACHAR
ASSAM
PIN- 783135

4:THE SELECTION COMMITTEE OF KGBV RECRUITMENT BOARD OF
SOUTH SALMARA
MANKACHAR
REPRESENTED BY ITS CHAIRMAN
THE DISTRICT COMMISSIONER PO- HATSINGIMARI
DIST.- SOUTH SALMARA MANKACHAR

ASSAM
PIN- 783135

5:THE DISTRICT PROGRAMME OFFICER (DPO)
SOUTH SALMARA
MANKACHAR
PO- HATSINGIMARI
DIST.- SOUTH SALMARA MANKACHAR
ASSAM
PIN- 783135

6:ROFIUL ALOM AHMED
S/O- LATE NURJAMAL AHMED
R/O- VILLAGE- ROGHUPARA
PO- FEKAMARI
DIST.- SOUTH SALMARA MANKACHAR
ASSAM
PIN- 78313

Advocate for the Petitioner : MR. S ISLAM

Advocate for the Respondent : SC, SSA

**BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA**

ORDER

27.09.2023

Heard Mr. S Islam, learned counsel for the petitioner. Also heard Mr. P Nayak, learned counsel for the authorities in the SSA and Ms. P Das, learned counsel for the authorities in the Secondary Education Department, Government of Assam.

2. We do not find any material justifying the array of respondent No.6 being impleaded in person and accordingly, the said respondent stands deleted.

3. The petitioner participated in a selection process pursuant to an advertisement, annexed as Annexure-3, page 27 to the writ petition. According to the petitioner, before the results of the selection process in which he had participated could be declared, another advertisement available at page-30 to the writ petition was issued by the respondents in the SSA. The petitioner had instituted this writ petition on the grievance that without bringing the earlier selection process to its logical end, a subsequent advertisement for the same purpose cannot be issued under the law.

4. To verify the authenticity of the issue raised by the petitioner, we required the respondents in the SSA to provide the information to the Court as to what had happened to the earlier selection process which was initiated as per the advertisement at Annexure-3, page 27 to the writ petition. Mr. P Nayak, learned counsel for the respondents in the SSA has produced a Notification bearing Memo No.SSA/DMC/SSM/KGBV/Gen/24/2017/217-A dated 28.08.2023 of the District Mission Coordinator SSA, South Salmara Mankachar that a decision had been taken that all fresh engagement of teaching and non-teaching staff inside KGBVs (Type-III) would be filled up only by eligible female candidates. It is stated that in view of such decision, the earlier selection process initiated vide Annexure-3, page 27 to the writ petition had been abandoned by the authorities. As it a stated stand of the respondents in the SSA that the earlier selection process pursuant to the advertisement vide Annexure-3, page 27 to the writ petition had been abandoned by referring to the Notification dated 28.08.2023, we are of the view that in this writ petition in the present form, we do not notice any infirmity in the advertisement at page 30 which is assailed in

this writ petition. But, however, if the petitioner is aggrieved by the process of abandoning the earlier selection process initiated by the advertisement at Annexure-3, page 27 to the writ petition, the petitioner may be assail the same by filling appropriate application, if so advised.

5. Writ petition stands closed with the aforesaid liberty.

JUDGE

Comparing Assistant