

GAHC010219882023



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

Case No. : WP(C)/5762/2023

PRITIMONI DUTTA
WIFE OF MAYUR DUTTA,
RESIDENT OF VILLAGE- PARBOTIA,
P.O. AND P.S.- TINSUKIA,
DISTRICT- TINSUKIA, ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION,
DISPUR, GUWAHATI-6.

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

3:ADDITIONAL DEPUTY COMMISSIONER
TINSUKIA (EDUCATION)
CHAIRMAN OF DISTRICT SELECTION COMMITTEE

TINSUKIA
ASSAM.

4:INSPECTOR OF SCHOOLS
TINSUKIA DISTRICT CIRCLE
TINSUKIA
PIN- 786125

Advocate for the Petitioner : MR. S K DAS

Advocate for the Respondent : SC, SEC. EDU.

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

ORDER

Date : 03-10-2023

Heard Mr. SK Das, learned counsel for the petitioner. Also heard Mr. U Sarma, learned counsel for the Secondary Education Department of Government of Assam and Mr. P Saikia, learned Junior Government Advocate for the Additional Deputy Commissioner, Tinsukia (Education).

2. The petitioner Pritimoni Dutta participated in a selection process for post graduate teachers for the Political Science subject in the Tinsukia district as per the advertisement dated 27.12.2022. It is stated that in the cumulative assessment in the selection process the petitioner secured 312.66 marks whereas another candidate Gayatree Saikia was shown to have secured 320.181 marks and accordingly, in the merit list Gayatree Saikia was placed at Sl. No. 1 whereas the petitioner Pritimoni Dutta was placed at Sl. No. 2. But subsequently it was realized that Gayatree Saikia did not secure 320.181 marks but in fact she secured 306.5 marks.

3. In this respect there is a communication dated 17.07.2023 from the Inspector of Schools, Tinsukia to the Director of Secondary Education, Assam which is extracted as below:

“In inviting a reference to the subject cited above, I have the honour to state you that during original document verification after appointment at Guwahati on 01/06/2023, we calculated the marks of the PGT candidates as a part of the process and made personal contact to the absentee candidates as the district was in dire need of PGT. Two anomalies in political Science subject came to the notice of the members which is clearly mentioned in the minutes submitted to your after the completion of the appointment process.

That madam, a candidate named Gayatree Saikia who was heading the merit list of Political Science in Tinsukia district with 320.18 marks was wrongly counted. While communication was made to her to know the reason of her absence, she reported that her marks were wrongly counted. In reality she secures a total 306.5 marks. Besides her name was placed in UR category as she has not secured 60% marks in individual papers in TET(PGT).

That madam, an aspirant candidate for PGT political science Smt. Pritimoni Dutta of Tinsukia has sent a written statement to the member secretary of the district Level Selection committee that had the number of Gayatree Saikia not been placed in the merit list due to technical reason with 320 marks she would have been the next deserving candidate for the post as she was securing 312.66 marks which was undoubtedly not at par with the candidate mentioned in her complain. She has appeared the member secretary to review the matter sympathetically to give justice to her complain. She has lodged an online complain in this regard as well mentioning the anomalies.

This is for your kind consideration and necessary action."

4. A reading of the afore-extracted communication from the Inspector of Schools makes it explicit that the authorities are also of the view that Gayatree Saikia was incorrectly shown at Sl. No. 1 in the merit list for the subject Political Science in the Tinsukia district and if Sl. No. 1 was wrongly shown, logically Sl. No. 2 Pritimoni Dutta would now have to be construed to be at Sl. No. 1 in the merit list. In fact, as per the communication even Gayatree Saikia admits that she ought not to have been at Sl. No. 1 as she has secured only 306.5 marks in the selection process.
5. This writ petition is instituted on the grievance that nothing further has been forwarded pursuant to the communication dated 17.07.2023.
6. In view of the limited grievance being raised this writ petition stands disposed of with a direction to the Director of Secondary Education, Assam to take note of the communication dated 17.07.2023 and pass a reasoned order thereon. If the contents of the communication are correct that Gayatree Saikia was incorrectly shown at Sl. No. 1 in order of merit for the subject Political

Science in Tinsukia district and in the meantime the mistake had been rectified, it would now be Pritimoni Dutta the second candidate in order of merit, who has to be construed to be at Sl. No. 1 in merit. The Director to take note of the said aspect and pass a reasoned order and if the petitioner is otherwise entitled for a selection and appointment, consequential order be also passed.

7. The requirement be done within a period of one month from the date of receipt of certified copy of this order.

Writ petition stands disposed of in the above terms.

JUDGE

Comparing Assistant