

GAHC010279442019



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

**Case No. : WP(C)/8706/2019**

SURESH SINGH  
S/O- SRI SHIV SHARAN SINGH R/O- H.NO. 248, PASCHIM BARAGAON, P.O.  
DEVKOTANAGAR, DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS.  
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, DEPTT. OF  
SECONDARY EDUCATION, DISPUR, GHY-6

2:THE DIRECTOR OF SECONDARY EDUCATION  
ASSAM  
KAHILIPARA  
GHY-19

3:THE INSPECTOR OF SCHOOLS  
KAMRUP DISTRICT CIRCLE (M)  
GHY-1

4:ASHOK CHAUDHURY  
HEADMASTER I/C  
TARUN RAM PHOOKAN HINDI HIGH SCHOOL  
MALIGAON  
GHY-11  
DIST- KAMRUP (M)

**Advocate for the Petitioner : MR. C GOSWAMI**

**Advocate for the Respondent : SC, SEC. EDU.**

**BEFORE  
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

**ORDER**

**14-06-2023**

Heard Shri C. Goswami, learned counsel for the petitioner. Also heard Shri N. J. Khataniar, learned Standing Counsel, Secondary Education Department whereas Shri R. M. Deka, learned counsel has appeared for respondent no. 4.

Considering the facts and circumstances of the matter and as agreed to by the learned counsel for the parties, this petition which is pending since the year 2019 is taken up for disposal at the admission stage.

The petitioner claims to be the senior most Graduate Teacher possessing MA & B.Ed. and therefore eligible to be considered for appointment to the post of Head Master of any High School. The case of the petitioner is that the post of Head Master of the Tarun Ram Phookan High School is lying vacant since 31.08.2019 when the earlier incumbent had retired on attaining the age of superannuation.

In the year 2018, the Tarun Ram Phookan Hindi LP School and the Tarun Ram Phookan Hindi ME School were amalgamated with the Tarun Ram Phookan Hindi High School. The case of the petitioner is that after such amalgamation and on the vacancy has been arisen, the respondent No. 4 has been allowed to hold charge of the Head Master of the High School. The petitioner alleges that there has been violation of the provisions of ***Assam Secondary Education (Provincialisation) Service Rules, 2003*** and therefore the instant writ petition has been filed with a prayer to interfere with such In Charge arrangement so that the petitioner is also considered for appointment to the post of Head Master.

Shri Goswami, the learned counsel however fairly submits that in the meantime, the aforesaid Rules of 2003 has been replaced by the ***Assam Secondary Education (Provincialised Schools) Service Rules, 2018***. He accordingly has modified his prayer by submitting that as per the present Rules governing the field, the recruitment

process be initiated in which the petitioner and all other candidates may be considered in accordance with law.

Shri Khataniar, the learned Standing Counsel of the Department does not object in principle to the modified relief prayed for by the petitioner.

Shri Deka, the learned counsel for the respondent No. 4 also does not object to the relief presently prayed for. However, he submits that by virtue of an interim order, regular appointment to the post of Principal has been stayed which is benefitting neither the petitioner nor the respondent no. 4 and therefore the said aspect may be clarified.

In view of the aforesaid facts and circumstances, the present writ petition is disposed of by vacating the interim order dated 02.12.2019 with a further direction to the authorities to initiate and complete a process for appointment to the post of Principal of the Tarun Ram Phookan Hindi High School in terms of the Rules of 2018. The present arrangement by which the respondent no. 4 was allowed to continue as In-charge-Principal would however continue till such process as directed above is finalized.

It is further clarified that in the process which has been directed to be initiated for regular appointment to the post of Head Master school in question, the names of all the candidates who are eligible shall be forwarded by the school authority.

**JUDGE**

**Comparing Assistant**