

GAHC040001922023



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

Case No. : WP(C)/73/2023

All Arunachal Pradesh Elementary Teachers Association (AAPETA)
Represented by its Vice President Shri Pill Takur,
Son of Late Pill Teni,
Permanent Resident of Village Korli, PO Yazali, PS Yazali, District Lower Subansiri,
Arunachal Pradesh, PIN 791119,
Presently residing at P Sector, PO and PS Itanagar, District Papum Pare, PIN 791111,
Arunachal Pradesh.

VERSUS

THE STATE OF AP and 34 Ors.
the Deptt. of Education,
Govt. of Arunachal Pradesh,
Itanagar, AP,
PIN 791111

2:The Commissioner
Age: 0
Occupation :
the Deptt. of Education
Govt. of Arunachal Pradesh
Itanagar
AP
PIN 791111

3:The Secretary
Age: 0
Occupation :
to Govt. of Arunachal Pradesh
Education Department

Itanagar
AP
PIN 791111

4:The Secretary
Age: 0
Occupation :
Govt. of Arunachal Pradesh
The Deptt. of Finance
Itanagar
AP
PIN 791111

5:The Commissioner
Age: 0
Occupation :
The Deptt. of Finance
Govt. of Arunachal Pradesh
Itanagar
AP
PIN 791111

6:The Under Secretary
Age: 0
Occupation :
Govt. of Arunachal Pradesh

The Deptt. of Education
Itanagar
AP
PIN 791111

7:The Director
Age: 0
Occupation :
of Secondary Education
Govt. of Arunachal Pradesh
Itanagar
AP
PIN 791111

8:The Director
Age: 0
Occupation :
of Elementary Education
Govt. of Arunachal Pradesh

Itanagar
AP
PIN 791111

9:Techi Pratap
Age: 0
Occupation :
DDEE Deputy Director of Elementary Education
Presently posted in the Office of Director of Elementary Education
Department of Education
Itanagar
PIN 791111

10:Mongol Taki
Age: 0
Occupation :
DDEE Deputy Director of Elementary Education
Presently posted in the Office of Director of Elementary Education
Department of Education
Itanagar
PIN 791111

11:Tanom Tapak
Age: 0
Occupation :
DDEE Deputy Director of Elementary Education
Presently posted in the Office of Director of Elementary Education
Department of Education
Itanagar
PIN 791111

12:Aroti Padung
Age: 0
Occupation :
DDEE Deputy Director of Elementary Education
Presently posted in the Office of Director of Elementary Education
Department of Education
Itanagar
PIN 791111

13:Lobsang Dorjee Komu
Age: 0
Occupation :
DDSE Presently posted in the Office of Deputy Director School Education
Bomdila
Dist. West Kameng

Arunachal Pradesh
PIN 790001

14:Pubi Lombi

Age: 0

Occupation :

DDSE Presently Posted in the Office of Deputy Director of School Education Seppa

Dist. East Kameng

Arunachal Pradesh

PIN 790102

15:Tagu Tana Tara

Age: 0

Occupation :

DDSE Presently posted at the Office of Deputy Director of School Education

Yupia

Dist. Papum Pare

Arunachal Pradesh PIN 791110

16:Sorang Tapi Zara

Age: 0

Occupation :

DDSE Presently posted in the Office of C/Complex Itanagar

PO/PS Itanagar

Arunachal Pradesh PIN 791111

17:Tabia Chobin

Age: 0

Occupation :

DDSE

Presently working in the Office of Deputy Director of School Education Ziro

Dist. Lower Subansiri

Arunachal Pradesh

PIN 791120

18:Tape Jeram

Age: 0

Occupation :

DDSE Presently posted in the Office of Deputy Director of School Education

Daporijo

Dist. Upper Subansiri

PIN 791122

19:Yidak Angu

Age: 0

Occupation :

DDSE Presently working in the office of Deputy Director of School Education
AALO

Dist. West Siang
Arunachal Pradesh
PIN 791001

20:Odhuk Tabing

Age: 0

Occupation :

DDSE Presently working in the office of Deputy Director of School Education
Pasighat

Dist. East Siang
Arunachal Pradesh
PIN 791002

21:Lakyam Tasing

Age: 0

Occupation :

DDSE Presently working in the Office of Deputy Director of School Education
Yingkiong

Dist. Upper Siang
Arunachal Pradesh. PIN 791002

22:Deepak Tayeng

Age: 0

Occupation :

DDSE Presently working in the office of Deputy Director of School Education Roing
Dist. Lower Dibang Valley

Arunachal Pradesh
PIN 792110

23:Eto Ete

Age: 0

Occupation :

DDSE Presently working in the office of Deputy Director of School Education Tezu
Dist. Lohit

Arunachal Pradesh
PIN 792001

24:Midak Riba

Age: 0

Occupation :

DDSE Presently working in the office of Deputy Director of School Education of
Hawai

Dist. Papumpare
Arunachal Pradesh

PIN 792104

25:Ego Doye

Age: 0

Occupation :

DDSE Presently Deputy Director of School Education Changlang

Dist. Changlang

Arunachal Pradesh. PIN 792120

26:Hortum Loyi

Age: 0

Occupation :

DDSE Presently working in the Office of Deputy Director of School Education
Khonsa

Dist. Tirap

Arunachal Pradesh

PIN 786630

27:Jombo Lona

Age: 0

Occupation :

DDSE Presently working in the office of Deputy Director of School Education
Longding

Dist. Tirap

Arunachal Pradesh

PIN 792131

28:Oyi Borang Tatak

Age: 0

Occupation :

DDSE Presently working in the Office of Deputy Director of School Education
Boleng

Dist. East Siang

Arunachal Pradesh

PIN 791102

29:Tage Kakki

Age: 0

Occupation :

DDSE Presently working in the Office of Deputy Director of School Education
Likabli

Dist. Lower Siang

Arunachal Pradesh

PIN 791125

30:Koing Samon Umbon

Age: 0
Occupation :
DDSE Presently working in the office of Deputy Director of School Education
Namsai
Dist. Lohit
Arunachal Pradesh
PIN 792103

31:Yumlam Tana
Age: 0
Occupation :
DDSE Presently working in the office of DDSE Koloriang
Dist. Kurung Kumey
Arunachal Pradesh
PIN 791118

32:Giogi Kaha
Age: 0
Occupation :
DDSE Presently working in the Office of Deputy Director of School Education
Damin
Dist. Kurung Kumey
Arunachal Pradesh
PIN 791118

33:Tumto Lollen
Age: 0
Occupation :
DDSE Presently working in the Office of Deputy Director of School Education Basar
Dist. Leparada
Arunachal Pradesh
PIN 791101

34:Moli Tato
Age: 0
Occupation :
DDSE Presently working in the office of Deputy Director of School Education Tato
Dist. West Siang
Arunachal Pradesh
PIN 791001

35:Hibu Tama
Age: 0
Occupation :

DDSE Presently working in the office of Deputy Director of School Education
Lemmi
Dist. Along Topte
Arunachal Pradesh
PIN 79010

Advocate for the Petitioner : A K Purkayastha, A K Purkayastha, S K Das, N K Murry, Chorpok
Modi, A Saring, Bomyom Ori, Tame Rimi, Nabam Chatum, M Tunar, K Gara

Advocate for the Respondent : GA (AP), Taba Tagum, V Eru, Tokdak Tamin, L Kagung, T Nagu, Arup
Bhattacharjee, O Mibang, Rinchin Ledo Thungon, O Mibang, Rinchin Ledo Thungon

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 16-12-2024

Heard Mr. A. K. Purkayastha, learned counsel for the petitioner and Mr. T. Tagum, learned Standing counsel for the Education Department.

2. Mr. Tagum, learned Standing counsel for the Education Department has, at the outset, submitted that the recruitment to the post of the Deputy Director of School Education/Principal, Government Higher Secondary School is so governed by the "Deputy Director/Principal, Government Higher Secondary School Rules, 2010".

3. Mr. Tagum has further submitted that the provisions of the Clause (v) & (vi) of Rule 55 of the "Arunachal Pradesh Education Rules, 2010" in so far as it relates to the cadre of the Deputy Director of School Education/Principal, Government Higher Secondary School, came to be amended by "Arunachal

Pradesh Education (Amendment) Rules, 2014. In terms of the amendment so made, promotion to the post of the Deputy Director of School Education/Principal, Government Higher Secondary School is to be made against 90% vacancy by the promotion from the cadre of Headmaster/Vice Principal and the remaining 10% by promotion from the District Adult Education Officer (DAEO) who had completed eight years of regular service in their respective grade and possess second position Master Degree with Bachelor of Education from a recognised university. He has further submitted that the provisions of the said Rules governing the recruitment to the post of the Deputy Commissioner of School Education has not been challenge in the present proceeding.

4. In view of the existence of the said Rules governing the recruitment to the post of the Deputy Director of School Education being brought on record by the learned Standing counsel for the Education Department, Mr. A. K. Purkayastha, learned counsel for the petitioner fairly submits that the provisions of the said Rules would now be required to be challenged by the petitioner, inasmuch as, the post the Headmaster of Upper Primary School and also the post of Block Education Officer (BEO) have not been identified as feeder cadres for promotion to the post of the Deputy Director of School Education. Accordingly, he prays that he be permitted to withdraw the present petition with liberty to file appropriate proceedings presenting a challenge to the provisions of the said Rules in so far as it concerns the recruitment to the post of the Deputy Director of School Education.

5. The said prayer is not objected to by Mr. T. Tagum, learned Standing counsel Education Department.

6. In view of the above position, this Court permits the petitioner to withdraw

the present writ petition with liberty to institute appropriate proceedings for assailing the Rules governing the recruitment to the post of Deputy Director, School Education, if so advised. It is further provided that the contentions raised in the present petition, not being considered on its merits by this Court, the same will be open to the petitioner to urge the same in the event of filing of proceedings assailing the provisions of the Rules governing the recruitment to the post of the Deputy Director of School Education.

7. With the above observations, the writ petition stands disposed of on withdrawal.

JUDGE

Comparing Assistant