

GAHC010015792023



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

Case No. : WA/67/2023

MAJMUN NEHAR LASKAR
W/O. ABDUL HANNAN BARBHUIYA, VILL. MATIJURI, P.O. MATIJURI, P.S.
HAILAKANDI, DIST. HAILAKANDI, ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS .
TO BE REP. BY THE SECRETARY TO THE GOVT. OF ASSAM, EDUCATION
(SECONDARY) DEPTT., DISPUR, GUWAHATI-06.

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

3:THE DEPUTY DIRECTOR (DIRECTOR
I/C)
SECONDARY EDUCATION
ASSAM
KAHILIPARA GUWAHATI-19.

4:THE INSPECTOR OF SCHOOLS

HDC HAILAKANDI ASSAM

For the appellant : Mr. A.M.S. Mazumder, Advocate

For the respondents : Mr. R. Mazumdar,
S.C., Education Deptt.

– B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI

HON'BLE MR. JUSTICE SUMAN SHYAM

15-03-2024

(Vijay Bishnoi, C.J.)

1. The appellant has filed this appeal being aggrieved with the order dated 18.11.2022 passed by the learned Single Judge whereby the writ petition, being, WP(C) 7340/2022 filed by the petitioner (appellant herein) has been dismissed.
2. The petitioner/appellant was earlier allowed to hold the charge of Headmistress of the Monacherra High School by order dated 28.09.2022 passed by the Director of Secondary Education, Assam. However, later on, when the said school was upgraded to Higher Secondary level, the said order of allowing the petitioner to work as in-charge Headmistress has been recalled and the Inspector of Schools, Hailakandi is allowed to work as in-charge Principal of the said school only on the ground that a Higher Secondary School is to be supervised by Principal, whereas the appellant is not possessing the qualification required to be appointed as Principal.
3. Learned counsel for the appellant frankly admitted that though the appellant is not having the qualification required for the post of Principal, at present no post of Principal has been sanctioned by the State in the school concerned and therefore, she has right to work as in-charge Headmistress of the school.
4. Having heard the learned counsel for the parties, we are of the view that once the school is upgraded from secondary level to higher secondary level, it is

to be supervised by the Principal only and as the appellant is not possessing the requisite qualification for the post of Principal, she cannot ask, as a matter of right, to work as Headmistress in-charge.

5. Hence, we do not find any case for interference with the impugned order dated 18.11.2022 passed by the learned Single Judge in WP(C) 7340/2022. The writ appeal is accordingly dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant