

GAHC010110152023



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

Case No. : WP(C)/2907/2023

TANKESWAR NATH AND 4 ORS.

S/O- LATE UMESH CHANDRA NATH, B.Sc., B.Ed, MA, SENIOR MOST
ASSISTANT TEACHER SARTHEBARI HIGHER SECONDARY SCHOOL
SARTHEBARI, R/O- VILL. AND P.O. GAHIYA, DIST.BARPETA, ASSAM, PIN-
781311.

2: KAMALA KANTA BORAH
ASSISTANT TEACHER
MA
PARANGAT
R/O- VILL.- NIKAMUL SATRA
MAZGAON
P.O. NIKAMUL
TEZPUR
DIST. SONITPUR
ASSAM
PIN- 784154.

3: MRIDUPABAN BORAH
S/O- LATE KHAGESWAR BORAH
MA
B.Ed
ASSISTANT TEACHER
CHANDRA NATH SARMAH HIGHER SECONDARY SCHOOL
PITHAKHOWA
R/O- VILL.- USHANAGAR
TEZPUR
P.O. MAHABHOIRAB
DIST. SONITPUR
ASSAM
PIN- 784001.

4: SMTI. BHARATI MISRA
W/O- SUSHIL KUMAR SARMA

B.Sc.
MA
B.Ed
ASSISTANT TEACHER
CHANDRA NATH SARMAH HIGHER SECONDARY SCHOOL
PITHAKHOWA
R/O- WARD NO. 5
DHEKIYAJULI
DIST. SONITPUR
ASSAM
PIN- 784110.

5: ABHIJIT BORA
S/O- LILA KANTA BORA
ASSISTANT TEACHER
MA
B.Ed.
TEZPUR ACADEMY HIGHER SECONDARY SCHOOL
R/O- MAZGAON
JYOTINAGAR
NIKAMUL SATRA
TEZPUR
DIST. SONITPUR
ASSAM
PIN- 784001. THE PETITIONERS NO. 2 TO 5 HAVE COMMON ADDRESS OF
CORRESPONDENCE C/O- TANKESWAR NATH
VILL. AND P.O. GAHIYA
DIST. BARPETA
ASSAM
PIN- 781311

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION (SECONDARY EDUCATION
DEPARTMENT), ASSAM (CIVIL) SECRETARIAT, BLOCK-C, DISPUR,
GUWAHATI, ASSAM, PIN- 781006.

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI
ASSAM
PIN- 781019.

3:THE CHIEF SECRETARY

TO THE GOVERNMENT OF ASSAM
ASSAM CIVIL SECRETARIAT
DISPUR
GUWAHATI
ASSAM
PIN-781006

For petitioner(s)/appellant(s) : Mr. B. D. Das, Advocate
Mr. B. Purkayastha, Advocate

For respondent(s) : Mr. D. Nath, Sr. GA, Assam

– BEFORE –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

25.10.2024

(Vijay Bishnoi, CJ)

Heard the learned counsel for the parties.

By way of this writ petition, the petitioners have challenged the validity of Rule 13 of the Assam Civil Service (Conduct) Rules, 1965 (hereafter referred to as "Rules of 1965").

It is noticed that during pendency of this writ petition, the petitioner No. 1 herein approached the writ court by way of filing a writ petition, being WP(C) No. 5419/2023, wherein a grievance was raised that the respondent authorities illegally had not allowed him to hold the charge of Principal of the school concerned on the ground that he had obtained his Master's Degree without obtaining prior permission from the authority concerned. The said writ petition was decided by the learned Single Judge vide order dated 18.12.2023 by directing the respondent authorities to allow the petitioner to hold the charge of the Principal of the school concerned after due verification of the particulars of the petitioner.

Learned counsel for the petitioners has submitted that since the petitioner

No. 1 has already got the relief vide the writ court's order dated 18.12.2023 passed in WP(C) 5419/2023, and since the said order would cover the cases of the rest of the petitioners in this writ petition, he is not pressing his challenge to Rule 13 of the Rules of 1965.

In view of the above submission of the learned counsel for the petitioners, this writ petition is dismissed as not pressed.

JUDGE

CHIEF JUSTICE

Comparing Assistant