

GAHC010123472023



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

Case No. : WA/438/2023

RUPA RANI DEVI
W/O SRI PRADIP BORTHAKUR, R/O ASEB COLONY, GARMUR, P.O. JORHAT
ENGINEERING COLLEGE, DIST- JORHAT, ASSAM, PIN-785001.

VERSUS

THE STATE OF ASSAM AND 5 ORS. H
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
SECONDARY EDUCATION DEPTT., DISPUR, GUWAHATI, ASSAM, PIN-
781006.

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

3:THE CHAIRMAN
STATE SELECTION BOARD
GOVT. OF ASSAM
SECONDARY EDUCATION DEPTT.
DISPUR
GUWAHATI
ASSAM
PIN- 781006.

4:THE INSPECTOR OF SCHOOLS
DIST.- JORHAT
ASSAM
PIN-785001.

5:THE HEADMISTRESS
BDS MEMORIAL HIGH SCHOOL
P.O. AND DIST.- JORHAT
ASSAM
PIN-785001.

6:MRS. SURANJANA KAKOTI
(HEADMISTRESS OF BDS MEMORIAL HIGH SCHOOL)
JORHAT
P.O. AND DIST.- JORHAT
ASSAM
PIN- 785001

Advocate for the Petitioner : MR S BORTHAKUR

Advocate for the Respondent : SC, SEC. EDU.

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

**Date : 04/03/2024
*Vijay Bishnoi, CJ***

Heard Mr. S. Dey, learned counsel for the appellant. We have also heard Mr. B. Chakravorty, learned counsel for the respondent nos. 5 & 6 and Ms. H. Terangpi, learned Standing Counsel, Secondary Education Department, Assam.

This writ appeal is filed by the appellant being aggrieved with the action of the respondent State of appointing the respondent no. 6 as the Head Mistress of BDSM High School pursuant to the advertisement issued on 02/11/2010. The learned Single Judge has dismissed the writ petition while concluding that there is no illegality in the appointment of the respondent no. 6 as Head Mistress of the School concerned. Simultaneously, the learned Single Judge has also observed that the appellant was not having the qualification for appointment on the post of Head Mistress in the year 2010 when the related advertisement was issued and as such, no relief can be granted.

It is informed by the learned counsel for the respondent no. 6 herein that due to amalgamation of the BDSM High School, Jorhat with Jorhat Gitarthee Vidyalaya, in the year 2022, the respondent no. 6 is now not working as a Head Mistress and is working as an Assistant Teacher only.

The above fact has not been disputed by the learned counsel for the appellant.

Taking into consideration the above subsequent development in the matter and also taking into consideration the fact that the appellant was not having qualification for appointment as Head Mistress in the year 2010 when the related advertisement was issued, we don't find any ground for interference. Hence, this writ appeal stands dismissed.

JUDGE

CHIEF JUSTICE

sukhamay

Comparing Assistant