

GAHC010135792024



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

Case No. : WA/229/2024

ANOWARA BEGUM
WIFE OF MD. HASEN ALI, R/O- VILL. NO 2 KACHARIVETI TUP, P.O.-
SILBORI, P.S.- DOLGAON, DIST.- DARRANG, ASSAM- 784114.

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
ELEMENTARY EDUCATION DEPARTMENT, GOVERNMENT OF ASSAM,
DISPUR, GUWAHATI-6.

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

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER
DARRANG
MANGALDOI
ASSAM
PIN- 784125.

4:BLOCK ELEMENTARY EDUCATION OFFICER
DALGAON SIALMARI BLOCK
DALGAON
ASSAM
PIN- 784116.

5:KIAMAT ALI
ASSISTANT TEACHER

KERAMATI ALI M.E. SCHOOL

P.O.- VILL. NO. 2 KACHARIVETI TUP

P.O.- SILBORI
P.S.- DOLGAON

DIST- DARRANG
ASSAM- 784114

For the Appellant : Mr. N.J. Gogoi, Advocate.

For the Respondent(s) : Ms. K. Das, Advocate
(Respondent nos. 1,2,3 and 4)

– BEFORE –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI

HON'BLE MR. JUSTICE KARDAK ETE

24.07.2024

(Vijay Bishnoi, CJ)

This writ appeal is filed by the appellant being aggrieved with the Judgment and order dated 21.06.2024 passed by the learned Single Judge in Writ Petition No. 6943/2023 as well as Writ Petition No. 3545/2023.

The dispute before the learned Single Judge, that who is suitable person to hold the charge for the post of Headmaster of the Keramat Ali M.E. School. The appellant and the private respondent herein claimed that they are suitable for holding the charge for the post of Headmaster of the said school.

The learned Single Judge has taken into consideration the fact that the services of the appellant as well as the private respondent were provincialised

on 06.05.2023 i.e from 01.01.2013 and as per the provision of Assam Venture Educational Institutions (Provincialization of Services) Act, 2011, their entry into the services would now treated as the point from where the seniority would be considered. It is further observed that other matters being same in respect of both the persons their inter-se seniority can now be determined only by applying their respective date of birth.

The learned Single Judge has concluded that the private respondent who has filed the Writ Petition No. 6943/2023 is senior to the appellant on the basis of his date of birth and therefore, a direction is issued that the private respondent shall hold the charge of the post of Headmaster of the said school till the said post of Headmaster is so filled on regular basis.

Having heard the learned counsel for the appellant and after going through the material available on record and taking into consideration, the rival stands taken before the learned Single Judge, we do not find any case for interference in the impugned order passed by the learned Single Judge. Hence, this writ appeal is dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant