

GAHC010060822023



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

Case No. : WA/332/2022

1. SHYAM SUNDER BORAH AND 4 ORS.
S/O GOKUL CHANDRA BORAH
VILL.- OJARA GAON
P.O.- OPAR OJARA
PIN- 782101
P.S.- SADAR
DIST.- NAGAON
ASSAM.

2: MAHENDRA KEOT
S/O SRI SARABAPU KEOT
R/O BRAHAMPUR
P.O.-BRAHAMPUR
P.S.-SADAR
DIST-NAGAON
ASSAM
PIN-782102

3: KHAGEN BORA S/O SRI CHANDRA KANTA BORA
R/O KARAYAN P.O.-KARAYANI
P.S.-SADAR DIST-NAGAON
ASSAM PIN- 782003

4: MUKUL CHAMUAH S/O SRI PANIRAM CHAMUAH
R/O VILL- UJARA GAON
P.O.- OPAR UJARA
P.S.-SADAR DIST-NAGAON
ASSAM PIN- 782101.

5: DIPANKAR BORUAH S/O KINARAM BARUAH
R/O VILL-KUJIDAH GAON
P.O.-KUJIDAH P.S.-SADAR
DIST-NAGAON ASSAM PIN- 782142.

VERSUS

THE STATE OF ASSAM 4 ORS.

REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
SECONDARY EDUCATION DEPTT. DISPUR GUWAHATI- 6.

2:THE SPECIAL COMMISSIONER TO THE GOVT OF ASSAM
SECONDARY EDUCATION DEPARTMENT DISPUR ASSAM PIN-781005

3:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM KAHILIPARA GUWAHATI-19

4:THE DEPUTY DIRECTOR OF SECONDARY EDUCATION
ASSAMKAHILIPARA GUWAHATI-19

5:THE INSPECTOR OF SCHOOLS NAGAON DISTRICT CIRCLE NAGAON
DIST-NAGAON ASSAM

Advocate for : MR. P J SAIKIA

Advocate for : SC SEC. EDU. appearing for THE STATE OF ASSAM 4 ORS.

BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 28.10.2024
(Vijay Bishnoi, CJ)

Heard Mr. P. J. Saikia, learned senior counsel, assisted by Ms. M. Nirola, learned counsel, appearing on behalf of the appellants. Also heard Mr. Rajesh Mazumdar, learned standing counsel, Secondary Education Department, appearing on behalf of all the respondents.

By preferring this writ appeal, the appellants have challenged the order, dated 24.06.2022, passed by the learned Single Judge in WP(c)36/2022 and 2(two) other writ petitions. The appellants have also challenged the Office Memorandum, dated 28.09.2021, issued by the Special Commissioner to the Government of Assam, Secondary Education Department.

During the pendency of this writ appeal; the State Government has amended Rule 5 of the Assam Secondary Education (Provincialized Schools) Service Rules, 2018, making a provision that 5 per cent of the total posts of Junior Assistant of a District, shall be filled-up by way of promotion from amongst the Grade-IV employees of the schools under the concerned District having five years of continuous service as regular Grade-IV employee and having requisite qualifications applicable to the post of Junior Assistant as mentioned in Sub-Rule 3 of the said Rules of 2018.

Mr. Saikia, learned senior counsel for the appellants, has submitted that since Rule 5 of the Assam Secondary Education (Provincialized Schools) Service Rules, 2018, have been amended vide Notification, dated 07.10.2024; the appellants desires to withdraw this writ appeal with liberty to challenge the amendment in Rule 5 of the said Rules of 2018, by initiating appropriate proceeding.

Accordingly, this writ appeal stands dismissed on withdrawal by the appellants, with liberty granted to the appellants, as prayed for.

Interim order, if any, stands vacated.

JUDGE

CHIEF JUSTICE

Comparing Assistant