

GAHC010081672025



undefined

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

**Case No. : I.A.(Civil)/1365/2025**

SRI DIPTI PRASAD PEGU AND ORS  
C/O SARBESWAR PEGU, VILL-KEKURI KOTHALGURI, P.O.-KEKURI POMUA  
MIRI, DIST-LAKHIMPUR, ASSAM, PIN-787055

2: UPEN PEGU  
S/O SRI ALISON PEGU  
VILL-KEKURI KOTHALGURI  
P.O.-KEKURI POMUA MIRI  
DIST-LAKHIMPUR  
ASSAM  
PIN-787055

3: JYOTI PEGU  
S/O SRI SASHIDHAR PEGU  
VILL-KEKURI KOTHALGURI  
P.O.-KEKURI POMUA MIRI  
DIST-LAKHIMPUR  
ASSAM  
PIN-787055

4: RANIKANTA PEGU  
S/O BAPURAM PEGU  
VILL-KEKURI DODABARI  
P.O.-KEKURI POMUA MIRI  
DIST-LAKHIMPUR  
ASSAM  
PIN-78705

VERSUS

THE STATE OF ASSAM AND ORS  
TO BE REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,  
DEPARTMENT OF SCHOOL EDUCATION, ASSAM, DISPUR, GUWAHATI-6

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

3:THE STATE LEVEL SCRUTINY COMMITTEE  
REPRESENTED BY ITS CHAIRMAN  
OFFICE OF THE DIRECTOR OF SECONDARY EDUCATION  
KAHILIPARA  
GUWAHATI-19  
ASSAM

4:THE DISTRICT SCRUTINY COMMITTEE  
REPRESENTED BY ITS CHAIRMAN  
OFFICE OF THE DEPUTY COMMISSIONER  
LAKHIMPUR  
NORTH LAKHIMPUR  
ASSAM  
PIN-787001

5:THE INSPECTOR OF SCHOOLS  
LAKHIMPUR  
NORTH LAKHIMPUR  
ASSAM  
PIN-787001

6:THE HEADMASTER CUM EX-OFFICIO SECRETARY  
MALARAM PEGU HIGH SCHOOL  
VILL-KEKURI DODABARI  
P.O.-KEKURI POMUA MIRI  
DIST-LAKHIMPUR  
ASSAM  
PIN-787055

7:SMTI UMALATA DOLEY PEGU  
W/O SHRI MONOJ PEGU  
RESIDENT OF VILL-KEKURI DADABARI

P.O.-KEKURI PAMUA MIRI  
DIST-LAKHIMPUR  
ASSAM  
PIN-787055

8:HALIDHAR PEGU  
S/O LATE MASHIRAM PEGU  
EX-SECRETARY OF THE SCHOOL MANAGING COMMITTEE  
MALARAM PEGU HIGH SCHOOL  
VILL-KEKURI KOTHALGURI

P.O.-KEKURI POMUA MIRI  
DIST-LAKHIMPUR  
ASSAM  
PIN-787055

9:SMTI PROTIVE KAMAN PEGU  
C/O PADMESWAR (UTTAM) PEGU  
PHOMOKI PHILA  
BORBARI  
GUWAHATI-36 (EX-PRESIDENT/SECRETARY OF MALARAM HIGH SCHOOL  
MANAGING COMMITTEE AND HEADMASTER/SECRETARY  
MALARAM PEGU HIGH SCHOOL

**Advocate for the Petitioner** : MR SISHIR DUTTA, MS S MOCHAHARI,MR. S DUTTA,MS K BORAH

**Advocate for the Respondent** : SC, SEC. EDU., GA, ASSAM

Linked Case : WP(C)/6674/2022

SMT. UMALATA DOLEY PEGU  
W/O SHRI MONOJ PEGU  
R/O VILL- KEKURI DADABARI  
P.O.-KEKURI PAMUA MIRI  
DIST- LAKHIMPUR  
ASSAM  
PIN-787055

VERSUS

THE STATE OF ASSAM AND 11 ORS  
TO BE REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM  
DEPARTMENT OF SCHOOL EDUCATION  
ASSAM  
DISPUR  
GUWAHATI-6

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

3:THE STATE LEVEL SCRUTINY COMMITTEE  
REPRESENTED BY ITS CHAIRMAN  
OFFICE OF THE DIRECTOR OF SECONDARY EDUCATION  
KAHILIPARA  
GUWAHATI-19  
ASSAM

4:THE DISTRICT SCRUTINY COMMITTEE  
REPRESENTED BY ITS CHAIRMAN  
OFFICE OF THE DEPUTY COMMISSIONER  
LAKHIMPUR  
NORTH LAKHIMPUR  
ASSAM  
PIN-787001

5:THE INSPECTOR OF SCHOOLS  
LAKHIMPUR  
NORTH LAKHIMPUR  
ASSAM  
PIN-787001

6:THE HEADMASTER CUM EX-OFFICIO SECRETARY  
MALARAM PEGU HIGH SCHOOL  
VILL-KEKURI DODABARI  
P.O.-KEKURI POMUA MIRI  
DIST-LAKHIMPUR  
ASSAM  
PIN-787055

7:DIPTI PRASAD PEGU  
C/O SARBESWAR PEGU  
VILL-KEKURI KOTHALGURI  
P.O.-KEKURI POMUA MIRI  
DIST-LAKHIMPUR  
ASSAM  
PIN-787055

8:UPEN PEGU  
S/O SRI ALISON PEGU  
VILL-KEKURI KOTHALGURI  
P.O.-KEKURI POMUA MIRI  
DIST-LAKHIMPUR  
ASSAM  
PIN-787055

9:JYOTI PEGU  
S/O SRI SASHIDHAR PEGU  
VILL-KEKURI KOTHALGURI

P.O.-KEKURI POMUA MIRI  
DIST-LAKHIMPUR  
ASSAM  
PIN-787055

10:RANIKANTA PEGU  
S/O BAPURAM PEGU  
VILL-KEKURI DODABARI  
P.O.-KEKURI POMUA MIRI  
DIST-LAKHIMPUR  
ASSAM  
PIN-787055

11:HALIDHAR PEGU  
S/O LATE MASHIRAM PEGU  
EX-SECRETARY OF THE SCHOOL MANAGING COMMITTEE  
MALARAM PEGU HIGH SCHOOL  
VILL-KEKURI KOTHALGURI  
P.O.-KEKURI POMUA MIRI  
DIST-LAKHIMPUR  
ASSAM  
PIN-787055

12:SMTI PROTIVE KAMAN PEGU  
C/O PADMESWAR (UTTAM) PEGU  
PHOMOKI PHILA  
BORBARI  
GUWAHATI-36 (EX-PRESIDENT/SECRETARY OF MALARAM HIGH SCHOOL  
MANAGING COMMITTEE AND HEADMASTER/SECRETARY  
MALARAM PEGU HIGH SCHOOL)

-----

Advocate for : MR. K GOSWAMI

Advocate for : SC

SEC. EDU. appearing for THE STATE OF ASSAM AND 11 ORS

**BEFORE**  
**HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

**ORDER**

**Date : 23.06.2025**

- 1.** Heard Mr. S. Dutta, learned senior counsel for the applicant. Also heard Mr. M.K. Sarmah, learned counsel appearing for the respondents.

**2.** At the outset Mr. M. K. Sarmah, learned counsel for opposite party has submitted that she has not been furnished with any instructions from her clients and accordingly she is not in a position to make submissions in the matter and prays that this Court would pass appropriate directions as it may deemed fit and proper.

**3.** This Court vide an order dated 02.04.2024 has disposed of WP(C).No.6674/2022 by issuing the following directions:

*“25. It is seen that the dispute with regard to the provincialization of the services of the petitioner, herein, as well as the private respondents No. 7, 8, 9 & 10, herein, were the subject-matter of repeated proceedings before this Court and still, the said issue has not been resolved.*

*26. In view of the said position and also noticing that the petitioner, herein, as well as the private respondents No. 7, 8, 9 & 10, herein, have been deprived of provincialization of their services on account of the fact that the issues so arising have not been finally concluded; this Court is of the considered view that following the prescriptions as made in the case of **Abdul Gofur Mondal** (supra) as well as the observations as made by this Court, vide the order, dated 22.09.2016; the petitioner, herein, is directed to approach the jurisdictional Educational Tribunal raising her grievance for provincialization of her services and also assailing the purported termination of her services as made in her case by the School Management and Development Committee(SMDC) of the school, in question, vide the resolution, dated 23.10.2007.*

*27. The petitioner, herein, while instituting such proceedings before the jurisdictional Educational Tribunal, shall invariably array the private respondents No. 7, 8, 9 & 10, herein, as party*

*respondents along with the school authorities and/or any other persons who would be required to be so impleaded, for arriving at a just and proper conclusion with regard to the rival contentions that would be now raised in the matter before the jurisdictional Educational Tribunal.*

*28. In the event of such proceedings being instituted before the jurisdictional Educational Tribunal by the petitioner, herein; the learned Educational Tribunal shall proceed to consider the issues so arising before it strictly in accordance with the materials that would come on record of such proceedings before it and thereafter, pass appropriate orders in the matter.*

*29. The learned Educational Tribunal shall determine as to the right of the petitioner, herein, as well as the rights of the private respondents No. 7, 8, 9 & 10; to have their respective services provincialized in the said school.*

*30. In view of the above conclusions being reached by this Court and as held hereinabove, this Court not being in a position to finally adjudicate the issues arising in the present proceedings; the interim directions passed by this Court vide the order, dated 22.10.2022, in the present proceedings; shall continue to hold the field till the matter is so filed before the jurisdictional Educational Tribunal and the learned Educational Tribunal considers the matter for passing of an interim direction before proceeding to consider the issues arising therein, on merit."*

**4.** A perusal of the directions passed by this Court vide order dated 02.04.2024 in WP(C).No.6674/2022, would go to reveal, that for resolution of the issues arising with regard to provincialization of the services of the teachers of Malaram Pegu High School, Lakhimpur, this Court had required the petitioner, therein, to institute an

appeal before the jurisdictional Educational Tribunal also by impleading therein the Respondents no.7, 8, 9 and 10, therein.

**5.** Alleging that the petitioner in WP(C).No.6674/2022 had not instituted the appeal, the present applicant had filed a review petition being review petition no.3/2025. This Court on noticing that an appeal was filed, although belatedly, by the petitioner in WP(C).No.6674/2022 and the same was registered as T.S.(Education) 01/2025, before the jurisdictional Educational Tribunal, proceeded to dismiss the said review petition on the same being withdrawn by the learned counsel for the review petitioner.

**6.** The present Interlocutory Application has been instituted by the respondent no.7 in WP(C).No.6674/2022 and also the review petitioner in review petition no.3/2025, praying for liberty to approach the Jurisdictional Educational Tribunal by way of filing an appeal, in addition to the liberty already granted by this Court vide order dated 02.04.2024 in WP(C).No.6674/2022 to the petitioner, therein.

**7.** It is further contended by the applicant that though the petitioner in WP(C).No.6674/2022, had instituted an appeal before the Jurisdictional Tribunal, the present applicant was not arrayed as a respondent, inspite of direction passed in this connection by this Court. Further it is submitted that the said appeal is not being pursued in the manner required by the petitioner in WP(C).No.6674/2022.

**8.** Having noticed the above position and also considering that the provincialization of the services of the teacher in Malaram Pegu High School, Lakhimpur, is being delayed on account of non-resolution of the issues arising in the matter and there been a necessity for an early resolution of the same, a liberty is called for, to be granted to the present applicant to prefer an appeal before the Educational Tribunal in the matter.

**9.** Accordingly, the applicant herein, as well the Respondents no. 8, 9 and 10 in WP(C).No.6674/2022, are granted liberty to approach Jurisdictional Educational Tribunal by way of instituting appeals praying for provincialization of their services. In

the event of such appeal/appeals being filed the Jurisdictional Educational Tribunal shall expeditiously consider the same and dispose it of in accordance with law.

**JUDGE**

**Comparing Assistant**