

GAHC010058532023



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

Case No. : WP(C)/7270/2022

CHAN ALI SK. AND 2 ORS.
S/O LT. JOHIR UDDIN SK.
VILL- MASIPARA PT.I
P.O. BONDIHANA
P.S. FAKIRGANJ
DIST. DHUBRI
ASSAM
PIN-783349

2: SHAJEDA KHATUN
D/O SAMSUL HOQUE
W/O RAHIM UDDIN MOLLAH
VILL- GHYGER ALGA AM KHANDA
P.S. GAURIPUR
DIST. DHUBRI
ASSAM
PIN-783331

3: MONOWARA BEGUM
D/O DANESH ALI
W/O NOWSHAD ALI SARKAR
VILL- BAHADURTARI
W/NO. 11
DHUBRI
P.O.
P.S. AND DIST. DHUBRI
ASSAM
PIN-783301
VERSUS

THE STATE OF ASSAM AND 25 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
EDUCATION (ELEMENTARY) DEPARTMENT
DISPUR GUWAHATI-06.

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

3:THE DEPUTY COMMISSIONER DHUBRI ASSAM PIN-783301

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER (DEEO) DHUBRI
ASSAM PIN-783301

5:THE DEPUTY INSPECTOR OF SCHOOLS DHUBRI ASSAM PIN-783301

6:THE BLOCK ELEMENTARY EDUCATION OFFICER (BEEO) BILASIPARA
EDUCATION BLOCK DIST. DHUBRI ASSAM PIN-783348

7:THE BLOCK ELEMENTARY EDUCATION OFFICER (BEEO)
GAURIPUR EDUCATION BLOCK DIST. DHUBRI
ASSAM PIN-783331

8:JAKIR HOSSAIN SK.
HINDI TEACHER OF DHUBRI M.E. SCHOOL
CHARMAIN ROAD BOROBABAR DHUBRI ASSAM PIN-783301

9:ABHA MONDAL
ASSTT. TEACHER OF KABI RABINDRA NATH M.E. SCHOOL
INDRA GANDHI ROAD SANTINAGAR
DHUBRI ASSAM PIN-783301.

10:JHARNA PAUL
ASSTT. TEACHER OF KABI RABINDRA NATH M.E. SCHOOL
INDRA GANDHI ROAD SANTINAGAR DHUBRI ASSAM PIN-783301

11:MONIDIPA ROY ASSTT. TEACHER OF DHUBRI M.E. SCHOOL
CHARMAIN ROAD BOROBABAR DHUBRI ASSAM PIN-783301

12:ABDUL KIYUM SARKAR
SCIENCE TEACHER OF DHUBRI M.E. SCHOOL
CHARMAIN ROAD BOROBABAR DHUBRI ASSAM PIN-783301

13:SHAH ALOM AHMED
ASSTT. TEACHER OF SHEKHER ULLAH MEMORIAL M.E. SCHOOL
SANTI NAGAR DHUBRI ASSAM PIN-783323

14:ROFIQUL ISLAM
ASSTT. TEACHER OF DHUBRI M.E. SCHOOL
CHARMAIN ROAD BOROBABAR DHUBRI ASSAM PIN-783301

15:ROHMATULLAH MONDAL ASSTT. TEACHER
COLLEGE NAGAR GIRLS M.E. SCHOOL WARD NO. 15 PIN-783324

16:CHOUDHURY TOFAYEL AHMED
ASSTT. TEACHER OF B.C. MEMORIAL GIRLS SCHOOL
WARD NO. 1 DHUBRI ASSAM PIN -783301

17:BHAJAN HALDAR
ASSTT. TEACHER OF KABI RABINDRA NATH M.E. SCHOOL
INDRA GANDHI ROAD SANTINAGAR DHUBRI ASSAM PIN -783301

18:ABDUL HAMID SK.
ASSTT. TEACHER OF GUTIPARA M.E.M. SCHOOL
P.S. BILASIPARA DIST. DHUBRI ASSAM PIN -783348

19:AYSHA SIDDIKA SCIENCE TEACHER OF BAGMARI M.E.M.
BILASIPARA DIST. DHUBRI ASSAM PIN -783345

20:JURAN ALI AHMED ASSTT. TEACHER OF GUTIPARA M.E.M. SCHOOL
P.S. BILASIPARA DIST. DHUBRI ASSAM PIN -783348

21:MOHIUL ISLAM CHOUDHURY ASSTT. TEACHER OF GHUNIMARI
M.E.M. SCHOOL MAYERCHAR PT.II P.O. NAYERALGA P.S. BILASIPARA
DIST. DHUBRI ASSAM PIN -783348

22:AMINUL HOQUE SIDDIQE
ASSTT. TEACHER OF DR ZAKIR HUSSAIN MEMORIAL M.E.M.
ANANDANAGAR P.O. AND P.S. BILASIPARA DIST. DHUBRI ASSAM
PIN -783348

23:ROFIQUL ISLAMASSTT. TEACHER OF SUAPATA M.E.M
VILL- SUAPATA PT.IV P.O. KAZAIKATA P.S. BILASIPARA DIST. DHUBRI
ASSAM PIN -783348

24:DINESH CHANDRA GOSH ASSTT. TEACHER OF PUB NAYERALGA
M.E.M. NAYERALGA PT.II P.O. NAYERALGA P.S. BILASIPARA
DIST. DHUBRI ASSAM PIN -783348

25:AZIZUR RAHMAN ASSTT. TEACHER OF P.S. SADHUBASA M.E.M.
VILL- SADHUBHASA PT.III P.S.GAURIPUR DIST. DHUBRI ASSAM
PIN -783349

26:SAIDUR RAHMAN ASSTT. TEACHER OF BAGMARI M.E.M. BILASIPARA
DHUBRI ASSAM PIN -783345

Advocate for : MR. M U MONDAL

Advocate for : SC

ELEM. EDU appearing for THE STATE OF ASSAM AND 25 ORS.

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

ORDER

Date : 09.01.2024

Heard Mr. A. Alim Sk., learned counsel, appearing on behalf of the petitioners. Also heard Mr. B. Talukdar, learned standing counsel, Elementary Education Department, appearing on behalf of the official respondents.

The petitioners who are presently working as Assistant Teachers in ME Schools situated in the District of Dhubri, by way of instituting the present writ petition, have presented a challenge to the seniority positions assigned to them in the gradation list, dated 31.08.2022. The petitioners who were initially appointed as Assistant Teachers in various LP Schools subsequently came to be posted in the ME schools wherein, they are presently working on amalgamation of their LP Schools with the ME Schools. The petitioners have alleged that the gradation list, dated 31.08.2022, has been prepared clearly in violation of the norms required to be applied for preparation of such gradation list and for the reason of which the seniority position of the petitioners have been suppressed therein and persons otherwise not eligible to be included in the said gradation list, dated 31.08.2022, have been so included. The petitioners raising their grievances, had individually submitted appeals, all dated 04.11.2022, before the Director, Elementary Education Department, Government of Assam, praying for an interference with the gradation list, dated 31.08.2022, and for preparation of the same in terms of the norms in place. The said appeals are stated to be pending as on date.

Mr. Talukdar, learned standing counsel, Elementary Education Department, Government of Assam, submits that the matter pertaining to the finalization of the gradation list, dated 31.08.2022, is presently pending with the Government and a decision therein, is still awaited.

In view of the above position, the petitioners are hereby directed to prefer individual representations before the Secretary to the Government of Assam, Department of School Education, highlighting their grievances with regard to seniority positions assigned to them and also claiming the positions that they ought to have been placed, in the event, the said gradation list, dated 31.08.2022, was prepared in the manner as required.

The said representations shall be preferred by the petitioners within a period of 15(fifteen) days from today.

The Secretary to the Government of Assam, Department of School Education, on receipt of the representations by the petitioners, shall consider the grievances raised by them therein, and after affording an opportunity of hearing to them and other persons existing in the gradation list, dated 31.08.2022, the placement of whom the petitioners have grievances; shall pass a speaking order dealing with all the issues raised by them in their representations to be submitted by them or during the course of hearing and thereafter, communicate the speaking order to the petitioners individually. In the event, the writ petitioners are still aggrieved by the decision arrived at by the Secretary to the Government of Assam, Department of School Education, they

are at liberty to assail such decision before this Court by way of an appropriate application.

The said exercise shall be initiated and carried-out within a period of 2(two) months from the date of receipt of the representations from the petitioners along with a certified copy of this order.

In the event, the said representations are preferred by the petitioners within a period of 15(fifteen) days from today, the gradation list, dated 31.08.2022, shall not be acted upon till the speaking order as required to be passed by the Secretary to the Government of Assam, Department of School Education, in the matter, is so passed and communicated to the petitioners individually.

With the above directions and observations, this writ petition stands disposed of.

JUDGE

Comparing Assistant