

GAHC010234712015



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

**Case No. : WP(C)/4520/2015**

DILIP DEKA and 12 ORS  
S/O LT. HALADHAR DEKA, R/O VILL- KAMARKUCHI DIST.NALBARI,  
ASSAM.

VERSUS

THE STATE OF ASSAM AND 44 ORS  
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,  
EDUCATION DEPARTMENT, DISPUR, GUWAHATI-6.

**Advocate for the Petitioner : MR.H BEZBARUAH**

**Advocate for the Respondent : MR.H R A CHOUDHURYR-17**

**BEFORE**  
**HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

**ORDER**

**16.05.2024**

Heard Shri R. Dubey, learned counsel for the petitioners. Also heard Shri B. Kaushik, learned Standing Counsel, Secondary Education Department. Shri I.H. Saikia, learned counsel appears for the respondent nos. 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 43 & 44 who has also filed the affidavit-in-

opposition. Shri M. Sharma, learned counsel appears for the respondent nos. 5, 6, 7, 8, 12, 13 & 15 and Ms. A. Talukdar, learned counsel appears for the respondent no. 19.

The facts projected in this case filed in the year 2015 are related to a selection for the post of Assistant Teachers in High Schools in the year 1998. It is the contention of the petitioners that though 2 (two) select list were prepared, in one of the select list, names of the petitioners had appeared and while the private respondents were given the benefit of appointment, the petitioners were left out.

Shri Dubey, the learned counsel for the petitioners has submitted that there have been a number of litigations including appeal and contempt.

After the directions passed by this Court, an enquiry was held on the legality of the process and it is the findings of the enquiry which is the subject matter of challenge in this petition.

The learned Standing Counsel for the Department has submitted that the present petition would not be maintainable inasmuch as the initial challenge of the petitioner was not accepted by this Court and in any case a fact finding enquiry was done and a conclusion arrived by taking into consideration all the relevant factors. He submits that on such factual determination, a writ petition may not be maintainable which may require this Court to go into the aspect of deciding disputed question of facts.

The learned counsel for the private respondents, while endorsing the submission of the learned Standing Counsel has further submitted that the selection being of 1998 and their clients being appointed and are serving for a long period of time, at this stage, interest of justice would not permit disturbing their services. In any case, it is reiterated that their selection and appointment was done strictly in accordance with law.

Ms. Talukdar, learned counsel for the respondent no.19 has also informed this

Court that her client has retired from service, in the meantime.

This Court has also been informed that few of the selected candidates who are appointed have passed away and many have retired in the meantime.

This Court is of the considered view that even assuming that a case for interference is made out, no effective relief can be granted to the petitioners by directing any appointment of a selection made in the year 1998.

In that view of the matter, this Court is of the opinion that the present may not be a fit case for making any interference.

Writ petition accordingly stands closed.

**JUDGE**

**Comparing Assistant**