

GAHC010263782024



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

Case No. : I.A.(Civil)/3938/2024

ABDUL KHALEK
S/O MD. KHAIBAR ALI, R/O VILLAGE AND P.O. MUKALMUA, PS.
MUKALMUA, DISTRICT NALBARI, ASSAM, PIN 781126.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, EDUCATION (SECONDARY) DEPARTMENT, DISPUR,
GUWAHATI- 781006.

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 781019.

3:THE DEPUTY DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 781019.

4:THE INSPECTOR OF SCHOOLS
NALBARI DISTRICT CIRCLE
NALBARI- 781019.

5:SYED MABIDUR RAHMAN
SON OF LATE HAFIZ AHMED
RESIDENT OF BAMUNBARI
POST OFFICE- BAMUNBARI
POLICE STATION - MUKALMUA
DISTRICT- NALBARI
ASSAM

Advocate for the Petitioner : MR. I H SAIKIA, MR. I H SAIKIA,MR. M AHMED,MR. K KALITA

Advocate for the Respondent : SC, EDU, MR A RAHMAN,MR. A. GAYAN

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 17-12-2024

Heard Mr. I.H. Saikia, learned counsel for the applicant; Mr. P.K. Munir, learned counsel for the opposite party no. 5 – writ petitioner; and Ms. A. Terang, learned Standing Counsel, Secondary Education Department.

2. The instant interlocutory application is preferred by the applicant seeking his impleadment as the party-respondent no. 5 in the accompanying writ petition, W.P.[C] no. 4918/2023. The writ petition, W.P.[C] no. 4918/2023 is preferred by the opposite party no. 5 as the writ petitioner seeking *inter alia* a direction to the respondent authorities to consider his case for promotion. A contention has also been made in the writ petition for his appointment as In-Charge / Headmaster of Bamunbari High School on the premise that he is the senior most graduate teacher in Bamunbari High School.

3. In the instant application, the applicant has averred that the applicant is presently holding the post of In-Charge / Headmaster of Bamunbari High School pursuant to an Order dated 17.11.2023 passed by the Inspector of Schools, Nalbari District Circle, Nalbari which Order has been passed in consequence of an Order dated 16.11.2023 of the Director of Secondary Education, Assam.

4. It is submitted by Mr. Saikia, learned counsel appearing for the applicant that in view of the contentions made by the opposite party – writ petitioner in the accompanying writ petition, the impleadment of the applicant as a party-respondent is necessary for proper adjudication of the issues involved in the writ petition.

5. The prayer for impleadment of the applicant as a party-respondent in the

accompanying writ petition, W.P.[C]. no. 4918/2023 is not opposed by Mr. Munir, learned counsel appearing for the opposite party no. 5 – writ petitioner.

6. Having regard to the contentions advanced by the learned counsel for the parties and considering the fact that the applicant is serving as the In-Charge / Headmaster of Bamunbari High School pursuant to an Order dated 17.11.2023 [supra], this court is of the considered view that the presence of the applicant as a party-respondent in the accompanying writ petition is essential. Consequently, the interlocutory application is allowed.

JUDGE

Comparing Assistant