GAHC010016032025

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

Case No. : Review.Pet./34/2026

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMMISSIONER TO THE GOVT. OF ASSAM
EDUCATION (SECONDARY) EDUCATION
DISPUR
GHY 06

2: THE DIRECTOR OF SECONDARY EDUCATION

ASSAM KAHILIPARA
GUWAHATI 781019

3: THE INSPECTOR OF SCHOOLS
CACHAR
SILCHAR
ASSAM.

4: THE INSPECTOR OF SCHOOLS
HAILAKANDI

5: THE INSPECTOR OF SCHOOLS
KARIMGANJ.
VERSUS

SANGITA ROY
D/O CHITARANJAN ROY
R/O ARYAPATTY
HOUSE NO 45
SILCHAR
CACHAR
ASSAM
PIN 788001

Advocate for : MR. N J KHATANIAR
Advocate for : MR. M DUTTA appearing for SANGITA ROY

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 14.07.2026

Heard Ms. D Mushahary, Learned Counsel for the Review Petitioners and Mr. M Dutta, Learned Senior Counsel, assisted by Mr. L Deka, Learned Counsel for the Respondent.

The present Review Petition has been instituted, praying for a review of the judgment and order dated 10.06.2024, passed by this Court in WP(C) No. 2601/2023. The Review Petitioners have sought for review of the said judgment on the ground that Respondent, herein, had appeared in the selection process, in question, after availing the relaxation of age, as available for candidates belonging to the Scheduled Caste community. Accordingly, it is projected in the Review Petition that the Respondent, having taken a relaxation for appearing in the selection process, she would not be entitled to have her case considered against a vacancy, other than the vacancy reserved for Scheduled Caste community candidates. In other words, it would not be permissible to migrate the Respondent to unreserved posts which have remained unfilled.

However, today when the matter was taken up, Ms. D Mushahary, Learned Counsel for the Review Petitioners has fairly submitted that in terms of the recent decisions of the Hon'ble Supreme Court in the case of ***Union of India Vs. Sajib Roy*** reported in ***(2025) SCC Online SC 1943*** and ***Chaya & Ors. Vs. State of Maharashtra & Anr.*** reported in ***(2026) SCC Online SC 457***, the contentions raised by the Review Petitioners, in the present Writ Petition, would not be sustainable. She submits that in terms of the said decisions of the Hon'ble Supreme Court, there being no specific provision in the Rules, barring such migration of candidates appearing in a selection process, after availing the relaxation for reserved community candidates, the directions passed by this Court for considering the case of the Petitioners, against the unreserved vacant posts, is not erroneous and accordingly, would not mandate to be reviewed.

Mr. M Dutta, Learned Senior Counsel appearing for the Respondent also submits that the decisions of the Hon'ble Supreme Court, referred to by the Learned Counsel for the Review Petitioners, has settled the position and there is no error in the order dated 10.06.2024, passed by this Court in WP(C) No. 2601/2023, mandating for a review of the same. Accordingly, he submits that the Review Petition would mandate to be dismissed.

In view of the submissions made by the Learned Counsel for the Parties, more particularly the submissions made by the Learned Counsel for the Review Petitioners, this Court is of the considered view that in view of the settled position of law, coming into being in terms of the decisions of the Hon'ble Supreme Court in the cases of ***Sajib Roy (Supra)*** and ***Chaya (Supra)***, no error is found to exist in the judgment and order dated 10.06.2024, passed by this Court in WP(C) No. 2601/2023, requiring a review of the same and accordingly, the present Review Petition would not mandate an acceptance.

In view of the foregoing discussion, the present Review Petition is held to be devoid of any merit and accordingly, the same stands dismissed. However, there would be no order as to costs.

JUDGE

Comparing Assistant