GAHC010029172026

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

Case No. : Cont.Cas(C)/109/2026

SMTI MAKHANI HAZARIKA
W/O SRI GAGAN HAZARIKA, R/O BEBEJIA MAJGAON, P.O. MORNOI BEBEJIA, P.S. GHILAMARA, DIST-LAKHIMPUR, ASSAM -787055, MUSIC TEACHER IN KATHALPARA HIGH SCHOOL UNDER LAKHIMPUR DISTRICT

VERSUS

SMTI. MAMATA HOJAI, AES
THE DIRECTOR OF SECONDARY EDUCATION DEPARTMENT, ASSAM, KAHILIPARA-19, DISTRICT- KAMRUP (M), GUWAHATI- 781019

Advocate for the Petitioner : MRS A BUJARBARUAH, MS A.SARMA

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

02.09.2026

Heard Mrs. A Bujarbaruah, learned counsel for the petitioner. Also heard Mr. SMT Chisti, learned counsel appears for the respondent.

2. By order dated 10.04.2025 passed in W.P(C) No. 2055/2025, the writ petition filed by the petitioner challenging the inaction of the respondent in not

provincializing the services of the petitioner on the ground that the name of the petitioner does not appear in the UDISE of the Kathalpara High School in the Lakhimpur District. Relying on a Judgment of this Court rendered in Kishor Kumar Nath & Others Vs. State of Assam & Others reported in 2023 SCC OnLine Gau 1487, the writ petition came to be disposed of with the following directions:

> "*10. On considering that the present case is a covered case and as the facts of this case is similar to the facts of the case in Kishor Kumar Nath (supra), this Court directs the Director of Secondary Education, to consider the case of the petitioner for provincialisation, after making necessary verification in terms of the provisions of 2017 Act.*
> *11. The same should be done within a period of 6 (six) months from the date of receipt of a certified copy of this order.*
> *12. The writ petition is accordingly disposed of."*

3. This contempt petition has been filed alleging willful disobedience and non-compliance of the directions contained in the order dated 10.04.2025 passed in W.P(C) No. 2055/2025.

4. Today when the matter is called up, Mr. SMT Chisti, learned counsel for the respondent has placed before the Court the order dated 02.09.2026 passed by the Director, Secondary Education. By the said order, the case of the petitioner claiming for her provincialisation of services as Additional Teacher in Kathalpara High School in the district of Lakhimpur was considered and it was found that the same cannot be considered under Section 3(1)(ix) of the Assam Education (Provincialisation of Services of Teachers & Re-organization of Educational Institutions) Act 2017. According to the Director, the number of students appearing in the HSLC Examination in 2016 in Kathalpara High School, Dist: Lakhimpur does not conform to Section 3(1)(ix) of the Act of 2017 and therefore, the case of the petitioner could not be considered for provincialisation of her services and accordingly, the same was rejected. Copy of this order is placed before the Court by the learned counsel for the respondent and the same

is kept in the case record. A copy of this order has also been furnished to the learned counsel for the petitioner.

5. Considering the direction of the Court passed in W.P(C) No. 2055/2025 and upon careful perusal of the order dated 02.09.2026 placed today before the Court, it is seen that the direction of the Court was for consideration of the case of the petitioner in terms of the parameters laid down in Kishor Kumar Nath(Supra) and after making necessary verifications, effective orders was directed to be passed within a period of six months. The order dated 02.09.2026 reflects that the exercise directed to be done by the Court vide order dated 10.04.2025 passed in W.P(C) No. 2055/2025 has been undertaken. If the petitioner is aggrieved by the correctness or otherwise of the order dated 02.09.2026 she is at liberty to assail the same by filing an independent writ petition.

6. Accordingly, the contempt option stands closed. Notices issued are recalled.

JUDGE

Comparing Assistant