GAHC010020962026

undefined

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

Case No. : WP(C)/595/2026

NAZRUL ISLAM
S/O- LT. ABDUR RAHMAN.
VILLAGE-NANGALBHANGA, P.O.- JOYPUR, P.S. -AMGURI, DIST. -CHIRANG, BTC, ASSAM. PIN-783393.

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM, SCHOOL EDUCATION DEPARTMENT, ASSAM, DISPUR, GUWAHATI-06.

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

3:THE BODOLAND TERRITORIAL COUNCIL
REPRESENTED BY THE PRINCIPAL SECRETARY
BTC
KOKRAJHAR
ASSAM
PIN-783370

4:THE DIRECTOR OF EDUCATION
BTC
KOKRAJHAR
ASSAM PIN- 783370.

5:THE INSPECTOR OF SCHOOLS
CHIRANG DISTRICT CIRCLE
KAJALGAON
DIST.- CHIRANG

BTC
ASSAM
PIN-783385

6:FARUQUE ABDULLAH SALEMUN HABIB
S/O- LATE BOKTAR ALI.
VILL.- BONNYAGURI
P.O.- JALESWAR
DIST.- GOALPARA
ASSAM
PIN- 78313

Advocate for the Petitioner : MD. A HUSSAIN, MR. T ISLAM,MR. K ALOM,MR. P K ROYCHOUDHURY

Advocate for the Respondent : SC, BTC, FOR CAVEATOR,MR. I H SAIKIA,SC, SEC. EDU.

Linked Case : WP(C)/627/2026

FARUQUE ABDULLAH SALEMUN HABIB
S/O- LATE BOKTAR ALI
R/O- VILL- BONNYAGARI
P.O.- JALESWAR
DIST.- GOALPARA
ASSAM
PIN- 783132

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM
SCHOOL EDUCATION DEPARTMENT
DISPUR
GUWAHATI-6

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19

3:THE BODOLAND TERRITORIAL COUNCIL
REPRESENTED BY THE CHIEF EXECUTIVE OFFICER

KOKRAJHAR
PIN- 783370

4:THE DIRECTOR OF EDUCATION
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
PIN- 783370

5:THE INSPECTOR OF SCHOOL
CHIRANG DISTRICT CIRCLE
KAJALGAON
ASSAM
PIN- 783385

6:SRI NAZRUL ISLAM
ASSISTANT TEACHER IN NABAUDAY HIGHER SECONDARY SCHOOL
NANGALBHANGA
CHIRANG
PIN- 783385

Advocate for : MR. I H SAIKIA
Advocate for : SC
SEC. EDU. appearing for THE STATE OF ASSAM AND 5 ORS

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

13.10.2026

Heard Mr. P.K. Roychoudhury, learned Senior Counsel assisted by Md. A. Hussain, learned counsel for the petitioner in WP(C) No.595/2026 and Mr. I.H. Saikia, learned counsel for the petitioner in WP(C) No.627/2026. Also heard Mr. A. Atreya, learned Standing Counsel, BTC; and Mr. I.H. Saikia, learned counsel for the private respondent in WP(C) No.595/2026 and Mr. P.K. Roychoudhury, learned Senior Counsel assisted by Md. A. Hussain, learned counsel for the private respondent No.6 in WP(C) No.627/2026.

2] The writ petition being WP(C) No.595/2026 has been filed by the petitioner putting a challenge to the impugned order dated 29.01.2026 issued by the Director of Education, BTC, Kokrajhar, whereby the private respondent was allowed to discharge the duties as in-charge Principal of Nabauday Higher Secondary School, Nangalbhanga in the district of Chirang. The petitioner was earlier appointed as an in-charge Principal of the said school. By the said impugned order, he was replaced and the private respondent was allowed to hold charge for the post of in-charge Principal of the said school. Subsequently, the Director of Education, BTC, Kokrajhar issued an order dated 26.03.2026, whereby in view of the pending litigation between the petitioner and the respondents the Assistant Inspector of the Schools, Chirang District Circle, Kajalgaon was given the responsibility to act as the interim in-charge of Nabauday Higher Secondary School.

3] The learned Senior Counsel for the petitioner in WP(C) No.595/2026 submits that the private respondent is not eligible as per the rules prescribed.

4] A counter allegation is also made by the learned counsel for the private respondent stating that the petitioner in WP(C) No.595/2026 is not even qualified to take the responsibility of in-charge Principal. According to the petitioner the private respondent is an intermediate teacher and therefore, not qualified.

5] The subsequent order dated 26.03.2026 is also not under challenge in WP(C) No.595/2026.

6] The writ petition being WP(C) No.627/2026 has been filed by petitioner assailing the private respondent's eligibility for consideration for appointment as an in-charge Principal of Nabauday Higher Secondary School. The private respondent is the writ petitioner in WP(C) No.595/2026.

7] According to the petitioner in WP(C) No.627/2026, the private respondent could not have been appointed as a Graduate Classical Teacher and therefore, his claims for being considered for the responsibility of the in-charge Principal of Nabauday Higher Secondary School could not have been granted, as it is not satisfied the parameters prescribed under the Rules.

8] Considering the fact that the petitioner in WP(C) No.595/2026 and petitioner in WP(C) No.627/2026 are questioning each other's eligibility for being granted the responsibility of in-charge Principal of Nabauday Higher Secondary School and in view of the order dated 26.03.2026 passed by the Director of Education, BTC, Kokrajhar giving the responsibility of interim in-charge of Nabauday Higher Secondary School, Nangalbhanga to the Assistant Inspector of Schools, Chirang District Circle, Kajalgaon, this Court is of the considered view that the claim and dispute is inter-se between the petitioner in WP(C) No.595/2026 vis-à-vis the private respondent therein, and the petitioner in WP(C) No.627/2026 vis-à-vis the private respondent therein.

9] Accordingly, this Court directs the Director of Education, BTC to examine the claims of the petitioner in WP(C) No.595/2026 as well as claims of the petitioner in WP(C) No.627/2026 and thereafter, pass appropriate orders as per the procedure prescribed.

10] Needless to say, all the stakeholders will be given an opportunity of being heard and any such speaking order that is passed copies thereof, shall be served on the stakeholders. The Director of Education, BTC is also given the liberty to proceed for regular selection and appointment for the post of Principal in the various schools under the BTC.

11] Until the Director of Education, BTC is passed an appropriate order on the inter-se claims made by the petitioner in WP(C) No.595/2026 and the petitioner in WP(C) No.627/2026, the order dated 26.03.2026 will be continued.

12] It is also made clear that this order will not be treated as a bar for the respondent department to proceed for regular selection and appointment of the Principal of Nabauday Higher Secondary School, Nangalbhanga.

13] The writ petitions being WP(C) Nos.595/2026 & WP(C) No.627/2026 are stand disposed of.

14] Interim order, if any, stand vacated.

15] Pending interlocutory application, if any are also dismissed.

JUDGE

Comparing Assistant