GAHC010131082026

2026:GAU-AS:14917

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

Case No. : CRP(IO)/282/2026

MD JAMAL UDDIN AND 9 ORS.
SON OF LATE ABDUS SAMAD, VILLAGE- BAGBARI, PONGSANKAR, P.O.- BAGBARI (KALIGANJ BAZAR)- 788720, DISTRICT- SRIBHUMI, ASSAM

2: MD. ZAKIR HUSSAIN
SON OF LATE ABDUS SAMAD
VILLAGE TALTOLA
P.O.- JANAKALAYAN BAZAR-788720
DISTRICT- SRIBHUMI
ASSAM

3: MD. ARSHAD HUSSAIN
SON OF JAMAL UDDIN
VILLAGE- BAGBARI
PONGSANKAR
P.O.- BAGBARI (KALIGANJ BAZAR)- 788720
DISTRICT- SRIBHUMI
ASSAM

4: MD. ABDUL JABBAR
SON OF JAMAL UDDIN

VILLAGE BAGBARI
PONGSANKAR

P.O. BAGBARI (KALIGANJ BAZAR)- 788720
DISTRICT SRIBHUMI
ASSAM

5: MD. ABDUL HASIB
SON OF LATE TASLIM ALI

VILLAGE THAMUA
P.O. SINGARIA BAZAR-788719

DISTRICT SRIBHUMI
ASSAM

6: MD. JAMIL AHMED
SON OF ABDUL JALIL

VILLAGE THAMUA
P.O. SINGARIA BAZAR-788719

DISTRICT SRIBHUMI
ASSAM

7: MD. ABDUL KASHIM
SON OF MOIN UDDIN

VILLAGE TALTOLA
P.O. JANAKALAYAN BAZAR-788720
DISTRICT SRIBHUMI
ASSAM

8: MD. NAYEEM UDDIN CHOUDHURY
SON OF RAHIM UDDIN CHOUDHURY

VILLAGE ROUTH GRAM

P.O. JANAKALAYAN BAZAR-788720
DISTRICT SRIBHUMI
ASSAM

9: MD. ALOM AHMED CHOUDHURY
SON OF ABDUL KHALIQUE

VILLAGE AND P.O. NILBAZAR

DISTRICT NAGAON
ASSAM

10: MD. ZAKIR HUSSAIN
SON OF LATE ABDUL KHALIQUE

VILLAGE HADARGRAM
P.O. KARIMGANJ-788711
DISTRICT SRIBHUMI
ASSA

VERSUS

MD MUJIBUR RAHMAN AND 16 ORS.
SON OF ABDUL KHALIQUE, VILLAGE- FATEPUR, P.O.- CHATOL-788720,
DISTRICT- SRIBHUMI, ASSAM

2:MOINUL ISLAM
SON OF LATE AKLAS UDDIN

VILLAGE TALTOLA
(KANKARCHAK)
P.O. JANAKALAYAN BAZAR-788720
DISTRICT SRIBHUMI
ASSAM

3:SMTI RASHIDA BEGUM
WIFE OF ABDUL BASIT

VILLAGE DEWAKURI
P.O. LALARCHAK-788713
DISTRICT SRIBHUMI
ASSAM

4:MD. SAHAMIM AHMED
SON OF ROICH UDDIN

VILLAGE TALTOLA
P.O. JANAKALAYAN BAZAR-788720
DISTRICT SRIBHUMI
ASSAM

5:MD. SAD UDDIN
SON OF LATE INTAJ ALI

VILLAGE TALTOLA
P.O. JANAKALAYAN BAZAR-788720
DISTRICT SRIBHUMI
ASSAM

6:MD. MAYEEN UDDIN
SON OF LATE ISMAIL ALI

VILLAGE FATEPUR
P.O. CHATOL-788720
DISTRICT -SRIBHUMI
ASSAM

7:MD. KAMRUL ISLAM
SON OF LATE MAYAB ALI

VILLAGE - PUNNAGRAM
P.O. JAGANNATH-788709

DISTRICT SRIBHUMI
ASSAM

8:MD. SALIM UDDIN
SON OF ASHAID ALI

VILLAGE NAGARI (ILLASPUR)

P.O. BAROIGRAM-788723

DISTRICT SRIBHUMI
ASSAM

9:ON THE DEATH OF WAKIL AHMED
HIS LEGAL HEIRS
NAMELY

9.1:NAJMA BEGUM
WIFE OF LATE WAKIL AHMED

VILLAGE TALTOLA
P.O. JANAKALAYAN BAZAR-788720
DISTRICT SRIBHUMI
ASSAM

9.2:SHAKIBUL HASAN
SON OF LATE WAKIL AHMED

VILLAGE TALTOLA
P.O. JANAKALAYAN BAZAR-788720

DISTRICT SRIBHUMI
ASSAM
(BEING MINOR AND THEY ARE REPRESENTED BY HIS NATURAL GUARDIAN
I.E. RESPONDENT NO. 9.1)

9.3:SALMAN HUSSAIN
SON OF LATE WAKIL AHMED

VILLAGE TALTOLA
P.O. JANAKALAYAN BAZAR-788720
DISTRICT SRIBHUMI
ASSAM
(BEING MINOR AND THEY ARE REPRESENTED BY HIS NATURAL GUARDIAN
I.E. RESPONDENT NO. 9.1)

9.4:MD. ABDUL LATIF
SON OF LATE HASID ALI

VILLAGE TALTOLA
P.O. JANAKALAYAN BAZAR-788720
DISTRICT SRIBHUMI
(ERSTWHILE KARIMGANJ)
ASSAM

10:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
EDUCATION DEPARTMENT
DISPUR
GUWAHATI-6
ASSAM

11:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
EDUCATION DEPARTMENT
DISPUR
GUWAHATI-6
ASSAM

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

13:THE DISTRICT SCRUTINY COMMITTEE
KARIMGANJ DISTRICT
(REPRESENTED BY ITS CHAIRMAN
THE ADDITIONAL DEPUTY COMMISSIONER
KARIMGANJ)
DISTRICT SRIBHUMI
(ERSTWHILE KARIMGANJ) ASSAM

14:THE DISTRICT ELEMENTARY EDUCATION OFFICER
P.O. AND DISTRICT KARIMGANJ
ASSAM

15:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE (SIU) DEPARTMENT
DISPUR
GUWAHATI-6
ASSAM

16:THE UNDER SECRETARY TO THE GOVT. OF ASSAM
FINANCE (SIU) DEPARTMENT
DISPUR
GUWAHATI-6
ASSAM

17:THE TREASURY OFFICER
KARIMGANJ
P.O. KARIMGANJ-788710
DISTRICT SRIBHUMI
ASSA

Advocate for the Petitioner : MR B MALAKAR, MR A HUSSAIN

Advocate for the Respondent : SC, SEC. EDU., MS S DAS(R1TO8,9.1),J M SULAIMAN(R1TO8,9.1),MR F U BARBHUIYA(R1TO8,9.1),MR H R A CHOUDHURY(R1TO8,9.1),SC, FINANCE,GA, ASSAM,SC, ELEM. EDU

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

06.10.2026

Heard Mr. B. Malakar, learned counsel for the petitioners; Mr. F.U. Barbuiya representing respondent nos.1 to 9.4; Mr. T.R. Gogoi, learned Government Advocate for respondent nos.13 and 17; Ms. B. Deka, learned standing counsel for the respondent nos.10, 11 and 14 and Ms. R. Baruah, learned standing counsel for the respondent no.12.

2. The petitioners have filed this petition under Article 227 of the Constitution of India, being aggrieved by the order dated 27.04.2026, passed by the learned Additional District Judge cum Educational Tribunal, Sribhumi in connection with Education Tribunal Case No.1/2018, as the legal heirs of the deceased petitioner, namely, Wakil Ahmed, were substituted as plaintiffs in Education Tribunal Case No.1/2018.

3. It is submitted that there were two institutions and the services of the teachers of Khankarchak Pre-Senior Madrassa in Karimganj district have subsequently been provincialised.

4. It is further submitted that there is another school, namely, Taltola Khankarchak Pre-Senior Madrassa and employees of this school had challenged the provincialisation of Khankarchak Pre-Senior Madrassa.

5. After the challenge, this Court vide order dated 05.01.2018 in connection with WP(C) No.6324/2017, remanded the matter back to the Educational Tribunal. The order of this Court is marked as Annexure-8. This case is still pending in the Court of the learned Additional District Judge cum Educational Tribunal, Sribhumi. During the pendency of the said proceeding, after the matter was remanded back from this Court, the impugned order dated 27.04.2026 was passed.

6. I have considered the submissions of both the sides.

7. It is submitted that this is a service matter relating to Educational Tribunal. The legal heirs including father, brother, wife and children cannot be impleaded as a parties. Thereby, considering the submissions made at the Bar, the order dated 27.04.2026 is set aside.

8. As this is an old pending matter, the learned trial court is directed to make every endeavour to expedite the disposal thereof.

9. In terms of the above observation, this petition stands disposed of.

JUDGE

Comparing Assistant